

106TH CONGRESS  
2D SESSION

# H. R. 5086

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## AN ACT

To amend the National Marine Sanctuaries Act of honor  
Dr. Nancy Foster, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Coastal and Fisheries  
3 Improvement Act of 2000”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

**TITLE I—NATIONAL MARINE SANCTUARIES**

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Sec. 103. Changes in findings, purposes, and policies; establishment of system.  
Sec. 104. Changes in definitions.  
Sec. 105. Changes relating to sanctuary designation standards.  
Sec. 106. Changes in procedures for sanctuary designation and implementation.  
Sec. 107. Changes in activities prohibited.  
Sec. 108. Changes in enforcement provisions.  
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**TITLE II—MISCELLANEOUS FISHERY STATUTE  
REAUTHORIZATIONS**

Sec. 201. Marine fish program.  
Sec. 202. Interjurisdictional Fisheries Act of 1986 amendments.  
Sec. 203. Anadromous Fish Conservation Act amendments.

**TITLE III—REIMBURSEMENT OF EXPENSES**

Sec. 301. Reimbursement of expenses.

**TITLE IV—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER  
FISHERMEN’S PROTECTIVE ACT OF 1967**

Sec. 401. Short title.  
Sec. 402. Extension of period for reimbursement under Fishermen’s Protective  
Act of 1967.

**TITLE V—YUKON RIVER SALMON**

Sec. 501. Short title.  
Sec. 502. Yukon River Salmon Panel.

- Sec. 503. Advisory committee.
- Sec. 504. Exemption.
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- Sec. 506. Administrative matters.
- Sec. 507. Yukon River salmon stock restoration and enhancement projects.
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#### TITLE VI—FISHERY INFORMATION ACQUISITION

- Sec. 601. Short title.
- Sec. 602. Acquisition of fishery survey vessels.

#### TITLE VII—ATLANTIC COASTAL FISHERIES

##### Subtitle A—Atlantic Striped Bass Conservation

- Sec. 701. Reauthorization of Atlantic Striped Bass Conservation Act.
- Sec. 702. Population study of striped bass.

##### Subtitle B—Atlantic Coastal Fisheries Cooperative Management

- Sec. 703. Short title.
- Sec. 704. Reauthorization of Atlantic Coastal Fisheries Cooperative Management Act.

#### TITLE VIII—PACIFIC SALMON RECOVERY

- Sec. 801. Short title.
- Sec. 802. Salmon conservation and salmon habitat restoration assistance.
- Sec. 803. Receipt and use of assistance.
- Sec. 804. Public participation.
- Sec. 805. Consultation not required.
- Sec. 806. Reports.
- Sec. 807. Definitions.
- Sec. 808. Pacific Salmon Treaty.
- Sec. 809. Treatment of International Fishery Commission pensioners.
- Sec. 810. Authorization of appropriations.

#### TITLE IX—MISCELLANEOUS TECHNICAL AMENDMENTS TO INTERNATIONAL FISHERIES ACTS

- Sec. 901. Great Lakes Fishery Act of 1956.
- Sec. 902. Tuna Conventions Act of 1950.
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- Sec. 904. North Pacific Anadromous Stocks Act of 1992.
- Sec. 905. High Seas Fishing Compliance Act of 1995.

#### TITLE X—PRIBILOF ISLANDS

- Sec. 1001. Short title.
- Sec. 1002. Purpose.
- Sec. 1003. Fur Seal Act of 1996 defined.
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- Sec. 1006. Termination of responsibilities.
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## TITLE XI—SHARK FINNING

- Sec. 1101. Short title.
- Sec. 1102. Purpose.
- Sec. 1103. Prohibition on removing shark fin and discarding shark carcass at sea.
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- Sec. 1106. Report to Congress.
- Sec. 1107. Research.
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- Sec. 1109. Shark-finning defined.
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## TITLE XII—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

- Sec. 1201. Short title.
- Sec. 1202. John H. Prescott Marine Mammal Rescue Assistance Grant Program.
- Sec. 1203. Study of the eastern gray whale population.

# 1      **TITLE I—NATIONAL MARINE**

# 2                      **SANCTUARIES**

## 3      **SEC. 101. SHORT TITLE.**

4            This title may be cited as the “National Marine Sanc-

5   tuaries Amendments Act of 2000”.

## 6      **SEC. 102. AMENDMENT OF NATIONAL MARINE SANC-**

## 7                      **TUARIES ACT.**

8            Except as otherwise expressly provided, whenever in

9   this title an amendment or repeal is expressed in terms

10   of an amendment or repeal to, or repeal of, a section or

11   other provision, the reference shall be considered to be

12   made to a section or other provision of the National Ma-

13   rine Sanctuaries Act (16 U.S.C. 1431 et seq.).

1 **SEC. 103. CHANGES IN FINDINGS, PURPOSES, AND POLI-**  
2 **CIES; ESTABLISHMENT OF SYSTEM.**

3 (a) CLERICAL AMENDMENT.—The heading for sec-  
4 tion 301 (16 U.S.C. 1431) is amended to read as follows:

5 **“SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTAB-**  
6 **LISHMENT OF SYSTEM.”.**

7 (b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a))  
8 is amended—

9 (1) in paragraph (2) by striking “research, edu-  
10 cational, or esthetic” and inserting “scientific, edu-  
11 cational, cultural, archaeological, or esthetic”;

12 (2) in paragraph (3) by adding “and” after the  
13 semicolon; and

14 (3) by striking paragraphs (4), (5), and (6) and  
15 inserting the following:

16 “(4) a Federal program which establishes areas  
17 of the marine environment which have special con-  
18 servation, recreational, ecological, historical, cultural,  
19 archaeological, scientific, educational, or esthetic  
20 qualities as national marine sanctuaries managed as  
21 the National Marine Sanctuary System will—

22 “(A) improve the conservation, under-  
23 standing, management, and wise and sustain-  
24 able use of marine resources;

1           “(B) enhance public awareness, under-  
2           standing, and appreciation of the marine envi-  
3           ronment; and

4           “(C) maintain for future generations the  
5           habitat, and ecological services, of the natural  
6           assemblage of living resources that inhabit  
7           these areas.”.

8           (c) PURPOSES AND POLICIES.—Section 301(b) (16  
9 U.S.C. 1431(b)) is amended—

10           (1) by striking “significance;” in paragraph (1)  
11           and inserting “significance and to manage these  
12           areas as the National Marine Sanctuary System;”;

13           (2) by striking paragraphs (3), (4), and (9);

14           (3) by redesignating paragraphs (5) through  
15           (8) as paragraphs (6) through (9), respectively;

16           (4) by inserting after paragraph (2) the fol-  
17           lowing:

18           “(3) to maintain the natural biological commu-  
19           nities in the national marine sanctuaries, and to pro-  
20           tect, and, where appropriate, restore and enhance  
21           natural habitats, populations, and ecological proc-  
22           esses;

23           “(4) to enhance public awareness, under-  
24           standing, appreciation, and wise and sustainable use  
25           of marine environment, and the natural, historical,

1 cultural, and archaeological resources of the Na-  
2 tional Marine Sanctuary System;

3 “(5) to support, promote, and coordinate sci-  
4 entific research on, and long-term monitoring of, the  
5 resources of these marine areas;”;

6 (5) in paragraph (8), as redesignated, by strik-  
7 ing “areas;” and inserting “areas, including the ap-  
8 plication of innovative management techniques;  
9 and”; and

10 (6) in paragraph (9), as redesignated, by strik-  
11 ing “; and” and inserting a period.

12 (d) ESTABLISHMENT OF SYSTEM.—Section 301 is  
13 amended by adding at the end the following:

14 “(c) ESTABLISHMENT OF SYSTEM.—There is estab-  
15 lished the National Marine Sanctuary System, which shall  
16 consist of national marine sanctuaries designated in ac-  
17 cordance with this title.”.

18 **SEC. 104. CHANGES IN DEFINITIONS.**

19 (a) DAMAGES.—Paragraph (6) of section 302 (16  
20 U.S.C. 1432) is amended—

21 (1) by striking “and” after the semicolon at the  
22 end of subparagraph (B); and

23 (2) by adding after subparagraph (C) the fol-  
24 lowing:

1           “(D) the cost of curation and conservation  
2           of archaeological, historical, and cultural sanc-  
3           tuary resources; and

4           “(E) the cost of enforcement actions un-  
5           dertaken by the Secretary in response to the de-  
6           struction or loss of, or injury to, a sanctuary re-  
7           source;”.

8           (b) RESPONSE COSTS.—Paragraph (7) of such sec-  
9           tion is amended by inserting “, including costs related to  
10          seizure, forfeiture, storage, or disposal arising from liabil-  
11          ity under section 312” after “injury” the second place it  
12          appears.

13          (c) SANCTUARY RESOURCE.—Paragraph (8) of such  
14          section is amended by striking “research, educational,”  
15          and inserting “educational, cultural, archaeological, sci-  
16          entific,”.

17          (d) SYSTEM.—Such section is further amended—

18               (1) by striking “and” after the semicolon at the  
19               end of paragraph (8);

20               (2) by striking the period at the end of para-  
21               graph (9) and inserting “; and”; and

22               (3) by adding at the end the following:

23               “(10) ‘System’ means the National Marine  
24               Sanctuary System established by section 301.”.



1 **SEC. 105. CHANGES RELATING TO SANCTUARY DESIGNA-**  
2 **TION STANDARDS.**

3 (a) STANDARDS.—Section 303(a)(1) (16 U.S.C.  
4 1433(a)(1)) is amended to read as follows:

5 “(1) determines that—

6 “(A) the designation will fulfill the pur-  
7 poses and policies of this title;

8 “(B) the area is of special national signifi-  
9 cance due to—

10 “(i) its conservation, recreational, eco-  
11 logical, historical, scientific, cultural, ar-  
12 chaeological, educational, or esthetic quali-  
13 ties;

14 “(ii) the communities of living marine  
15 resources it harbors; or

16 “(iii) its resource or human-use val-  
17 ues;

18 “(C) existing State and Federal authorities  
19 are inadequate or should be supplemented to  
20 ensure coordinated and comprehensive con-  
21 servation and management of the area, includ-  
22 ing resource protection, scientific research, and  
23 public education;

24 “(D) designation of the area as a national  
25 marine sanctuary will facilitate the objectives in  
26 subparagraph (C); and

1 “(E) the area is of a size and nature that  
2 will permit comprehensive and coordinated con-  
3 servation and management; and”.

4 (b) FACTORS; REPEAL OF REPORT REQUIREMENT.—  
5 Section 303(b) (16 U.S.C. 1433(b)) is amended—

6 (1) in paragraph (1) by striking “and” at the  
7 end of subparagraph (H), by striking the period at  
8 the end of subparagraph (I) and inserting a semi-  
9 colon, and by adding at the end the following:

10 “(J) the areas’s scientific value and value  
11 for monitoring the resources and natural proc-  
12 esses that occur there;

13 “(K) the feasibility, where appropriate, of  
14 employing innovative management approaches  
15 to protect sanctuary resources or to manage  
16 compatible uses; and

17 “(L) the value of the area as an addition  
18 to the System.”; and

19 (2) by striking paragraph (3).

20 **SEC. 106. CHANGES IN PROCEDURES FOR SANCTUARY DES-**  
21 **IGNATION AND IMPLEMENTATION.**

22 (a) SUBMISSION OF NOTICE OF PROPOSED DESIGNA-  
23 TION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C.  
24 1434(a)(1)(C)) is amended to read as follows:

“(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.”.

(b) SANCTUARY DESIGNATION DOCUMENTS.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) A resource assessment that documents—

1 “(i) present and potential uses of the  
2 area, including commercial and rec-  
3 reational fishing, research and education,  
4 minerals and energy development, subsist-  
5 ence uses, and other commercial, govern-  
6 mental, or recreational uses;

7 “(ii) after consultation with the Sec-  
8 retary of the Interior, any commercial, gov-  
9 ernmental, or recreational resource uses in  
10 the areas that are subject to the primary  
11 jurisdiction of the Department of the Inte-  
12 rior; and

13 “(iii) information prepared in con-  
14 sultation with the Secretary of Defense,  
15 the Secretary of Energy, and the Adminis-  
16 trator of the Environmental Protection  
17 Agency, on any past, present, or proposed  
18 future disposal or discharge of materials in  
19 the vicinity of the proposed sanctuary.

20 Public disclosure by the Secretary of such infor-  
21 mation shall be consistent with national secu-  
22 rity regulations.

23 “(C) A draft management plan for the pro-  
24 posed national marine sanctuary that includes  
25 the following:

1           “(i) The terms of the proposed des-  
2           ignation.

3           “(ii) Proposed mechanisms to coordi-  
4           nate existing regulatory and management  
5           authorities within the area.

6           “(iii) The proposed goals and objec-  
7           tives, management responsibilities, re-  
8           source studies, and appropriate strategies  
9           for managing sanctuary resources of the  
10          proposed sanctuary, including interpreta-  
11          tion and education, innovative management  
12          strategies, research, monitoring and as-  
13          sessment, resource protection, restoration,  
14          enforcement, and surveillance activities.

15          “(iv) An evaluation of the advantages  
16          of cooperative State and Federal manage-  
17          ment if all or part of the proposed sanc-  
18          tuary is within the territorial limits of any  
19          State or is superjacent to the subsoil and  
20          seabed within the seaward boundary of a  
21          State, as that boundary is established  
22          under the Submerged Lands Act (43  
23          U.S.C. 1301 et seq.).

24          “(v) An estimate of the annual cost to  
25          the Federal Government of the proposed

1 designation, including costs of personnel,  
2 equipment and facilities, enforcement, re-  
3 search, and public education.

4 “(vi) The proposed regulations re-  
5 ferred to in paragraph (1)(A).

6 “(D) Maps depicting the boundaries of the  
7 proposed sanctuary.

8 “(E) The basis for the findings made  
9 under section 303(a) with respect to the area.

10 “(F) An assessment of the considerations  
11 under section 303(b)(1).”.

12 (c) WITHDRAWAL OF DESIGNATION.—Section  
13 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting  
14 “or System” after “sanctuary” the second place it ap-  
15 pears.

16 (d) FEDERAL AGENCY ACTIONS AFFECTING SANC-  
17 TUARY RESOURCES.—Section 304(d) (16 U.S.C.1434(d))  
18 is amended by adding at the end the following:

19 “(4) FAILURE TO FOLLOW ALTERNATIVE.—If  
20 the head of a Federal agency takes an action other  
21 than an alternative recommended by the Secretary  
22 and such action results in the destruction or loss of  
23 or injury to a sanctuary resource, the head of the  
24 agency shall promptly prevent and mitigate further

1 damage and restore or replace the sanctuary re-  
2 source in a manner approved by the Secretary.”.

3 (e) EVALUATION OF PROGRESS IN IMPLEMENTING  
4 MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C.  
5 1434(e)) is amended—

6 (1) by striking “management techniques,” and  
7 inserting “management techniques and strategies,”;  
8 and

9 (2) by adding at the end the following: “This  
10 review shall include a prioritization of management  
11 objectives.”.

12 (f) LIMITATION ON DESIGNATION OF NEW SANC-  
13 TUARIES.—Section 304 (16 U.S.C. 1434) is amended by  
14 adding at the end the following:

15 “(f) LIMITATION ON DESIGNATION OF NEW SANC-  
16 TUARIES.—

17 “(1) FINDING REQUIRED.—The Secretary may  
18 not publish in the Federal Register any sanctuary  
19 designation notice or regulations proposing to des-  
20 ignate a new sanctuary, unless the Secretary has  
21 published a finding that—

22 “(A) the addition of a new sanctuary will  
23 not have a negative impact on the System; and

1 “(B) sufficient resources were available in  
2 the fiscal year in which the finding is made  
3 to—

4 (i) effectively implement sanctuary  
5 management plans for each sanctuary in  
6 the System; and

7 (ii) complete site characterization  
8 studies and inventory known sanctuary re-  
9 sources, including cultural resources, for  
10 each sanctuary in the System within 10  
11 years after the date that the finding is  
12 made if the resources available for those  
13 activities are maintained at the same level  
14 for each fiscal year in that 10 year period.

15 “(2) DEADLINE.—If the Secretary does not  
16 submit the findings required by paragraph (1) before  
17 February 1, 2004, the Secretary shall submit to the  
18 Congress before October 1, 2004, a finding with re-  
19 spect to whether the requirements of subparagraphs  
20 (A) and (B) of paragraph (1) have been met by all  
21 existing sanctuaries.

22 “(3) LIMITATION ON APPLICATION.—Paragraph  
23 (1) does not apply to any sanctuary designation doc-  
24 uments for—



1                   “(A) a Thunder Bay National Marine  
2                   Sanctuary; or

3                   “(B) a Northwestern Hawaiian Islands  
4                   National Marine Sanctuary.”.

5           (g) NORTHWESTERN HAWAIIAN ISLANDS CORAL  
6 REEF RESERVE.—

7           (1) PRESIDENTIAL DESIGNATION.—The Presi-  
8           dent, after consultation with the Governor of the  
9           State of Hawaii, may designate any Northwestern  
10          Hawaiian Islands coral reef or coral reef ecosystem  
11          as a coral reef reserve to be managed by the Sec-  
12          retary of Commerce.

13          (2) SECRETARIAL ACTION.—Upon the designa-  
14          tion of a reserve under paragraph (1) by the Presi-  
15          dent, the Secretary shall—

16                 (A) take action to initiate the designation  
17                 of the reserve as a national marine sanctuary  
18                 under sections 303 and 304 of the National  
19                 Marine Sanctuaries Act (16 U.S.C. 1433);

20                 (B) establish a Northwestern Hawaiian Is-  
21                 lands Reserve Advisory Council under section  
22                 315 of that Act (16 U.S.C. 1445a), the mem-  
23                 bership of which shall include at least one rep-  
24                 resentative from Native Hawaiian groups; and

1 (C) until the reserve is designated as a na-  
2 tional marine sanctuary, manage the reserve in  
3 a manner consistent with the purposes and poli-  
4 cies of that Act.

5 (3) COORDINATION.—The Secretary shall work  
6 with other Federal agencies to develop a coordinated  
7 plan to make vessels and other resources available  
8 for activities in the reserve.

9 (4) REVIEW.—If the Secretary has not des-  
10 ignated a national marine sanctuary in the North-  
11 western Hawaiian Islands under sections 303 and  
12 304 of the National Marine Sanctuaries Act (16  
13 U.S.C. 1433, 1434) before October 1, 2005, the Sec-  
14 retary shall conduct a review of the management of  
15 the reserve under section 304(e) of that Act (16  
16 U.S.C. 1434(e)).

17 (5) REPORT.—No later than 6 months after the  
18 date of the enactment of this Act, the Secretary  
19 shall submit a report to the Senate Committee on  
20 Commerce, Science, and Transportation and the  
21 House of Representatives Committee on Resources,  
22 describing actions taken to implement this sub-  
23 section, including costs of monitoring, enforcing, and  
24 addressing marine debris, and the extent to which  
25 the fiscal or other resources necessary to carry out

1       this subsection are reflected in the Budget of the  
2       United States Government submitted by the Presi-  
3       dent under section 1104 of title 31, United States  
4       Code.

5           (6) AUTHORIZATION OF APPROPRIATIONS.—Of  
6       the amount authorized under section 311 of the Na-  
7       tional Marine Sanctuaries Act (16 U.S.C. 1444) for  
8       a fiscal year, no more than \$3,000,000 shall be for  
9       carrying out this section.

10   **SEC. 107. CHANGES IN ACTIVITIES PROHIBITED.**

11       Section 306 (16 U.S.C. 1436) is amended—

12           (1) in the matter preceding paragraph (1) by  
13       inserting “for any person” after “unlawful”;

14           (2) in paragraph (2) by inserting “offer for  
15       sale, purchase, import, export,” after “sell,”; and

16           (3) by amending paragraph (3) to read as fol-  
17       lows:

18           “(3) interfere with the enforcement of this title  
19       by—

20           “(A) refusing to permit any officer author-  
21       ized to enforce this title to board a vessel, other  
22       than a vessel operated by the Department of  
23       Defense or United States Coast Guard, subject  
24       to such person’s control for the purposes of

conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title;

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

“(D) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement the provisions of this title; or”.

**SEC. 108. CHANGES IN ENFORCEMENT PROVISIONS.**

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

1           “(6) arrest any person, if there is reasonable  
2           cause to believe that such person has committed an  
3           act prohibited by section 306(3).”.

4           (b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C.  
5 1437) is amended by redesignating subsections (c)  
6 through (j) in order as subsections (d) through (k), and  
7 by inserting after subsection (b) the following:

8           “(c) CRIMINAL OFFENSES.—

9           “(1) OFFENSES.—A person is guilty of an of-  
10          fense under this subsection if the person commits  
11          any act prohibited by section 306(3).

12          “(2) PUNISHMENT.—Any person that is guilty  
13          of an offense under this subsection—

14               “(A) except as provided in subparagraph  
15               (B), shall be fined under title 18, United States  
16               Code, imprisoned for not more than 6 months,  
17               or both; or

18               “(B) in the case of a person who in the  
19               commission of such an offense uses a dangerous  
20               weapon, engages in conduct that causes bodily  
21               injury to any person authorized to enforce this  
22               title or any person authorized to implement the  
23               provisions of this title, or places any such per-  
24               son in fear of imminent bodily injury, shall be

1           fined under title 18, United States Code, im-  
2           prisoned for not more than 10 years, or both.”.

3           (c) SUBPOENAS OF ELECTRONIC FILES.—Subsection  
4 (g) of section 307 (16 U.S.C. 1437), as redesignated by  
5 this section, is amended by inserting “electronic files,”  
6 after “books,”.

7           (d) NATIONWIDE SERVICE OF PROCESS.—Section  
8 307 (16 U.S.C. 1437) is amended by adding at the end  
9 the following:

10          “(l) NATIONWIDE SERVICE OF PROCESS.—In any ac-  
11 tion by the United States under this title, process may  
12 be served in any district where the defendant is found,  
13 resides, transacts business, or has appointed an agent for  
14 the service of process.”.

15 **SEC. 109. ADDITIONAL REGULATIONS AUTHORITY.**

16          Section 308 (16 U.S.C. 1439) is amended to read as  
17 follows:

18 **“SEC. 308. REGULATIONS.**

19          “The Secretary may issue such regulations as may  
20 be necessary to carry out this title.”.

21 **SEC. 110. CHANGES IN RESEARCH, MONITORING, AND EDU-**  
22 **CATION PROVISIONS.**

23          Section 309 (16 U.S.C. 1440) is amended to read as  
24 follows:

1 **“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.**

2 “(a) IN GENERAL.—The Secretary shall conduct,  
3 support, and coordinate research, monitoring, and edu-  
4 cation programs consistent with subsections (b) and (c)  
5 and the purposes and policies of this title.

6 “(b) RESEARCH AND MONITORING.—

7 “(1) IN GENERAL.—The Secretary may—

8 “(A) support, promote, and coordinate re-  
9 search on, and long-term monitoring of, sanc-  
10 tuary resources and natural processes that  
11 occur in national marine sanctuaries, including  
12 exploration, mapping, and environmental and  
13 socioeconomic assessment;

14 “(B) develop and test methods to enhance  
15 degraded habitats or restore damaged, injured,  
16 or lost sanctuary resources; and

17 “(C) support, promote, and coordinate re-  
18 search on, and the conservation, curation, and  
19 public display of, the cultural, archaeological,  
20 and historical resources of national marine  
21 sanctuaries.

22 “(2) AVAILABILITY OF RESULTS.—The results  
23 of research and monitoring conducted by the Sec-  
24 retary under this subsection shall be made available  
25 to the public.

26 “(c) EDUCATION.—

1           “(1) IN GENERAL.—The Secretary may sup-  
2           port, promote, and coordinate efforts to enhance  
3           public awareness, understanding, and appreciation of  
4           national marine sanctuaries and the System. Efforts  
5           supported, promoted, or coordinated under this sub-  
6           section must emphasize the conservation goals and  
7           sustainable public uses of national marine sanc-  
8           tuaries and the System.

9           “(2) EDUCATIONAL ACTIVITIES.—Activities  
10          under this subsection may include education of the  
11          general public, teachers, students, national marine  
12          sanctuary users, and ocean and coastal resource  
13          managers.

14          “(d) INTERPRETIVE FACILITIES.—

15               “(1) IN GENERAL.—The Secretary may develop  
16               interpretive facilities near any national marine sanc-  
17               tuary.

18               “(2) FACILITY REQUIREMENT.—Any facility de-  
19               veloped under this subsection must emphasize the  
20               conservation goals and sustainable public uses of na-  
21               tional marine sanctuaries by providing the public  
22               with information about the conservation, rec-  
23               reational, ecological, historical, cultural, archae-  
24               ological, scientific, educational, or esthetic qualities  
25               of the national marine sanctuary.



1       “(e) CONSULTATION AND COORDINATION.—In con-  
2     ducting, supporting, and coordinating research, moni-  
3     toring, and education programs under subsection (a) and  
4     developing interpretive facilities under subsection (d), the  
5     Secretary may consult or coordinate with Federal, re-  
6     gional, or interstate agencies, States, or local govern-  
7     ments.”.

8     **SEC. 111. CHANGES IN SPECIAL USE PERMIT PROVISIONS.**

9       Section 310 (16 U.S.C. 1441) is amended—

10           (1) by redesignating subsections (b) through (f)  
11       as subsections (e) through (g), and by inserting  
12       after subsection (a) the following:

13       “(b) PUBLIC NOTICE REQUIRED.—The Secretary  
14     shall provide appropriate public notice before identifying  
15     any category of activity subject to a special use permit  
16     under subsection (a).”;

17           (2) by striking “insurance” in paragraph (4) of  
18       subsection (c), as redesignated, and inserting “insur-  
19       ance, or post an equivalent bond,”;

20           (3) by striking “resource and a reasonable re-  
21       turn to the United States Government.” in para-  
22       graph (2)(C) of subsection (d), as redesignated, and  
23       inserting “resource.”;

24           (4) in subsection (d)(3)(B), as redesignated, by  
25       striking “designating and”; and

1 (5) in subsection (d), as redesignated, by insert-  
 2 ing after paragraph (3) the following:

3 “(4) WAIVER OR REDUCTION OF FEES.—The  
 4 Secretary may accept in-kind contributions in lieu of  
 5 a fee under paragraph (2)(C), or waive or reduce  
 6 any fee assessed under this subsection for any activ-  
 7 ity that does not derive profit from the access to or  
 8 use of sanctuary resources.”.

9 **SEC. 112. CHANGES IN COOPERATIVE AGREEMENTS PROVI-**  
 10 **SIONS.**

11 (a) AGREEMENTS AND GRANTS.—Section 311(a) (16  
 12 U.S.C. 1442(a)) is amended to read as follows:

13 “(a) AGREEMENTS AND GRANTS.—The Secretary  
 14 may enter into cooperative agreements, contracts, or other  
 15 agreements with, or make grants to, States, local govern-  
 16 ments, regional agencies, interstate agencies, or other per-  
 17 sons to carry out the purposes and policies of this title.”.

18 (b) USE OF RESOURCES FROM OTHER GOVERNMENT  
 19 AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by  
 20 adding at the end the following:

21 “(e) USE OF RESOURCES OF OTHER GOVERNMENT  
 22 AGENCIES.—The Secretary may, whenever appropriate,  
 23 enter into an agreement with a State or other Federal  
 24 agency to use the personnel, services, or facilities of such

1 agency on a reimbursable or nonreimbursable basis, to as-  
 2 sist in carrying out the purposes and policies of this title.

3 “(f) **AUTHORITY TO OBTAIN GRANTS.**—Notwith-  
 4 standing any other provision of law that prohibits a Fed-  
 5 eral agency from receiving assistance, the Secretary may  
 6 apply for, accept, and use grants from other Federal agen-  
 7 cies, States, local governments, regional agencies, inter-  
 8 state agencies, foundations, or other persons, to carry out  
 9 the purposes and policies of this title.”.

10 **SEC. 113. CHANGES IN PROVISIONS CONCERNING DE-**  
 11 **STRUCTION, LOSS, OR INJURY.**

12 (a) **VENUE FOR CIVIL ACTIONS.**—Section 312(c) (16  
 13 U.S.C. 1443(c)) is amended—

14 (1) by inserting “(1)” before “The Attorney  
 15 General”;

16 (2) in paragraph (1) (as so designated) in the  
 17 first sentence by striking “in the United States dis-  
 18 trict court for the appropriate district”; and

19 (3) by adding at the end the following:

20 “(2) An action under this subsection may be brought  
 21 in the United States district court for any district in  
 22 which—

23 “(A) the defendant is located, resides, or is  
 24 doing business, in the case of an action against a  
 25 person;

1           “(B) the vessel is located, in the case of an ac-  
2           tion against a vessel; or

3           “(C) the destruction of, loss of, or injury to a  
4           sanctuary resource occurred.”.

5           (b) USE OF RECOVERED AMOUNTS.—Section 312(d)  
6           (16 U.S.C. 1443(d)) is amended by striking paragraphs  
7           (1) and (2) and inserting the following:

8           “(1) RESPONSE COSTS.—Amounts recovered by  
9           the United States for costs of response actions and  
10          damage assessments under this section shall be  
11          used, as the Secretary considers appropriate—

12                 “(A) to reimburse the Secretary or any  
13                 other Federal or State agency that conducted  
14                 those activities; and

15                 “(B) after reimbursement of such costs, to  
16                 restore, replace, or acquire the equivalent of  
17                 any sanctuary resource.

18          “(2) OTHER AMOUNTS.—All other amounts re-  
19          covered shall be used, in order of priority—

20                 “(A) to restore, replace, or acquire the  
21                 equivalent of the sanctuary resources that were  
22                 the subject of the action, including for costs of  
23                 monitoring and the costs of curation and con-  
24                 servation of archaeological, historical, and cul-  
25                 tural sanctuary resources;

1           “(B) to restore degraded sanctuary re-  
 2           sources of the national marine sanctuary that  
 3           was the subject of the action, giving priority to  
 4           sanctuary resources and habitats that are com-  
 5           parable to the sanctuary resources that were  
 6           the subject of the action; and

7           “(C) to restore degraded sanctuary re-  
 8           sources of other national marine sanctuaries.”.

9           (c) STATUTE OF LIMITATIONS.—Section 312 (16  
 10 U.S.C. 1443) is amended by adding at the end the fol-  
 11 lowing:

12           “(e) STATUTE OF LIMITATIONS.—An action for re-  
 13 sponse costs or damages under subsection (c) shall be  
 14 barred unless the complaint is filed within 3 years after  
 15 the date on which the Secretary completes a damage as-  
 16 sessment and restoration plan for the sanctuary resources  
 17 to which the action relates.”.

18 **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

19           Section 313 (16 U.S.C. 1444) is amended to read as  
 20 follows:

21 **“SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

22           “There are authorized to be appropriated to the  
 23 Secretary—

24           “(1) to carry out this title—

25           “(A) \$34,000,000 for fiscal year 2001;

1                   “(B) \$36,000,000 for fiscal year 2002;  
 2                   “(C) \$38,000,000 for fiscal year 2003;  
 3                   “(D) \$40,000,000 for fiscal year 2004;  
 4                   and  
 5                   “(E) \$42,000,000 for fiscal year 2005; and  
 6                   “(2) for construction projects at national ma-  
 7                   rine sanctuaries, \$6,000,000 for each of fiscal years  
 8                   2001, 2002, 2003, 2004, and 2005.”.

9   **SEC. 115. CHANGES IN U.S.S. MONITOR PROVISIONS.**

10           Section 314 (16 U.S.C. 1445) is amended by striking  
 11           subsection (b) and redesignating subsection (c) as sub-  
 12           section (b).

13   **SEC. 116. CHANGES IN ADVISORY COUNCIL PROVISIONS.**

14           Section 315 (16 U.S.C. 1445a) is amended by strik-  
 15           ing “provide assistance” in subsection (a) and inserting  
 16           “advise and make recommendations”.

17   **SEC. 117. CHANGES IN THE SUPPORT ENHANCEMENT PRO-**  
 18                   **VISIONS.**

19           Section 316 (16 U.S.C. 1445b) is amended—

20                   (1) in subsection (a)(1), by inserting “or the  
 21                   System” after “sanctuaries”;

22                   (2) in subsection (a)(4) by striking “use of any  
 23                   symbol published under paragraph (1)” and insert-  
 24                   ing “manufacture, reproduction, or other use of any

1 symbol published under paragraph (1), including the  
2 sale of items bearing such a symbol,”;

3 (3) by amending subsection (e)(3) to read as  
4 follows:

5 “(3) to manufacture, reproduce, or otherwise  
6 use any symbol adopted by the Secretary under sub-  
7 section (a)(1), including to sell any item bearing  
8 such a symbol, unless authorized by the Secretary  
9 under subsection (a)(4) or subsection (f); or”; and  
10 (4) by adding at the end the following:

11 “(f) COLLABORATIONS.—The Secretary may author-  
12 ize the use of a symbol adopted by the Secretary under  
13 subsection (a)(1) by any person engaged in a collaborative  
14 effort with the Secretary to carry out the purposes and  
15 policies of this title and to benefit a national marine sanc-  
16 tuary or the System.

17 “(g) AUTHORIZATION FOR NON-PROFIT PARTNER  
18 ORGANIZATION TO SOLICIT SPONSORS.—

19 “(1) IN GENERAL.—The Secretary may enter  
20 into an agreement with a nonprofit partner organi-  
21 zation authorizing it to assist in the administration  
22 of the sponsorship program established under this  
23 section. Under an agreement entered into under this  
24 paragraph, the Secretary may authorize the non-  
25 profit partner organization to solicit persons to be

1       official sponsors of the national marine sanctuary  
 2       system or of individual national marine sanctuaries,  
 3       upon such terms as the Secretary deems reasonable  
 4       and will contribute to the successful administration  
 5       of the sanctuary system. The Secretary may also au-  
 6       thorize the non-profit partner organization to collect  
 7       the statutory contribution from the sponsor, and  
 8       transfer the contribution to the Secretary.

9               “(2) PARTNER ORGANIZATION DEFINED.—In  
 10       this subsection, the term ‘partner organization’  
 11       means an organization that—

12               “(A) draws its membership from individ-  
 13       uals, private organizations, corporations, aca-  
 14       demic institutions, or State and local govern-  
 15       ments; and

16               “(B) is established to promote the under-  
 17       standing of, education relating to, and the con-  
 18       servation of the resources of a particular sanc-  
 19       tuary or two or more related sanctuaries.”.

20       **SEC. 118. ESTABLISHMENT OF DR. NANCY FOSTER SCHOL-**  
 21       **ARSHIP PROGRAM.**

22       The National Marine Sanctuaries Act (16 U.S.C.  
 23       1431 et seq.) is amended by redesignating section 317 as  
 24       section 318, and by inserting after section 316 the fol-  
 25       lowing:



1   **“SEC. 317. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.**

2           “(a) ESTABLISHMENT.—The Secretary shall estab-  
3   lish and administer through the National Ocean Service  
4   the Dr. Nancy Foster Scholarship Program. Under the  
5   program, the Secretary shall award graduate education  
6   scholarships in oceanography, marine biology or maritime  
7   archaeology, to be known as Dr. Nancy Foster Scholar-  
8   ships.

9           “(b) PURPOSE.—The purpose of the Dr. Nancy Fos-  
10   ter Scholarship Program is to encourage outstanding  
11   scholarship and independent graduate level research in  
12   oceanography, marine biology or maritime archaeology,  
13   particularly by women and members of minority groups.

14          “(c) AWARD.—Each Dr. Nancy Foster Scholarship—

15               “(1) shall be used to support graduate studies  
16           in oceanography, marine biology or maritime archae-  
17           ology at a graduate level institution of higher edu-  
18           cation; and

19               “(2) shall be awarded in accordance with guide-  
20           lines issued by the Secretary.

21          “(d) DISTRIBUTION OF FUNDS.—The amount of  
22   each Dr. Nancy Foster Scholarship shall be provided di-  
23   rectly to a recipient selected by the Secretary upon receipt  
24   of certification that the recipient will adhere to a specific  
25   and detailed plan of study and research approved by a  
26   graduate level institution of higher education.

1       “(e) FUNDING.—Of the amount available each fiscal  
2 year to carry out this title, the Secretary shall award 1  
3 percent as Dr. Nancy Foster Scholarships.

4       “(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—  
5 The Secretary shall require an individual receiving a schol-  
6 arship under this section to repay the full amount of the  
7 scholarship to the Secretary if the Secretary determines  
8 that the individual, in obtaining or using the scholarship,  
9 engaged in fraudulent conduct or failed to comply with  
10 any term or condition of the scholarship.

11       “(g) MARITIME ARCHAEOLOGY DEFINED.—In this  
12 section the term ‘maritime archaeology’ includes the  
13 curation, preservation, and display of maritime artifacts.”.

14 **SEC. 119. CLERICAL AMENDMENTS.**

15       (a) CORRECTION OF REFERENCES TO FORMER COM-  
16 MITTEE.—The following provisions are amended by strik-  
17 ing “Merchant Marine and Fisheries” and inserting “Re-  
18 sources”:

19               (1) Section 303(b)(2)(A) (16 U.S.C.  
20 1433(b)(2)(A)).

21               (2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

22       (b) CORRECTION OF REFERENCE TO RENAMED  
23 ACT.—(1) Section 302(2) is amended to read as follows:

1 “(2) ‘Magnuson-Stevens Act’ means the Mag-  
 2 nuson-Stevens Fishery Conservation and Manage-  
 3 ment Act (16 U.S.C. 1801 et seq.);”.

4 (2) Section 302(9) is amended by striking “Magnu-  
 5 son Fishery Conservation and Management Act” and in-  
 6 serting “Magnuson-Stevens Act”.

7 (3) Section 303(b)(2)(D) is amended by striking  
 8 “Magnuson Act” and inserting “Magnuson-Stevens Act”.

9 (4) Section 304(a)(5) is amended by striking “Mag-  
 10 nuson Act” and inserting “Magnuson-Stevens Act”.

11 (5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is  
 12 amended by striking “Magnuson Fishery Conservation  
 13 and Management Act” and inserting “Magnuson-Stevens  
 14 Act”.

15 (c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C.  
 16 1443(a)(1)) is amended by striking “UNITED STATES”  
 17 and inserting “UNITED STATES”.

## 18 **TITLE II—MISCELLANEOUS** 19 **FISHERY STATUTE REAU-** 20 **THORIZATIONS**

### 21 **SEC. 201. MARINE FISH PROGRAM.**

22 (a) FISHERIES INFORMATION COLLECTION AND  
 23 ANALYSIS.—There are authorized to be appropriated to  
 24 the Secretary of Commerce, to enable the National Oce-  
 25 anic and Atmospheric Administration to carry out fish-

eries information and analysis activities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, \$52,890,000 for fiscal year 2001, and \$53,435,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, the collection, analysis, and dissemination of scientific information necessary for the management of living marine resources and associated marine habitat.

(b) FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out activities relating to fisheries conservation and management operations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law involving those activities, \$30,770,000 for fiscal year 2001, and \$31,641,000 for each of the fiscal years 2002, 2003, and 2004. Such activities may include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, hatchery operations, habitat conservation, and protected species management.

1       (c) FISHERIES STATE AND INDUSTRY COOPERATIVE  
2 PROGRAMS.—There are authorized to be appropriated to  
3 the Secretary of Commerce, to enable the National Oce-  
4 anic and Atmospheric Administration to carry out State  
5 and industry cooperative programs under the Fish and  
6 Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any  
7 other law involving those activities, \$28,520,000 for fiscal  
8 year 2001, and \$28,814,000 for each of the fiscal years  
9 2002, 2003, and 2004. These activities include, but are  
10 not limited to, ensuring the quality and safety of seafood  
11 products and providing grants to States for improving the  
12 management of interstate fisheries.

13       (d) RELATION TO OTHER LAWS.—Authorizations  
14 under this section shall be in addition to monies author-  
15 ized under the Magnuson-Stevens Fishery Conservation  
16 and Management Act of 1976 (16 U.S.C. 1801 et seq.),  
17 the Marine Mammal Protection Act of 1972 (16 U.S.C.  
18 1361 et seq.), the Endangered Species Act of 1973 (16  
19 U.S.C. 3301 et seq.), the Anadromous Fish Conservation  
20 Act (16 U.S.C. 757 et seq.), and the Interjurisdictional  
21 Fisheries Act (16 U.S.C. 4107 et seq.).

22 **SEC. 202. INTERJURISDICTIONAL FISHERIES ACT OF 1986**  
23 **AMENDMENTS.**

24       Section 308 of the Interjurisdictional Fisheries Act  
25 of 1986 (16 U.S.C. 4107) is amended—

1 (1) by amending subsection (a) to read as fol-  
 2 lows:

3 “(a) GENERAL APPROPRIATIONS.—There are author-  
 4 ized to be appropriated to the Department of Commerce  
 5 for apportionment to carry out the purposes of this title—

6 “(1) \$4,900,000 for fiscal year 2001; and

7 “(2) \$5,400,000 for each of the fiscal years  
 8 2002, 2003, and 2004.”; and

9 (2) in subsection (c) by striking “\$700,000 for  
 10 fiscal year 1997, and \$750,000 for each of the fiscal  
 11 years 1998, 1999, and 2000” and inserting  
 12 “\$800,000 for fiscal year 2001, and \$850,000 for  
 13 each of the fiscal years 2002, 2003, and 2004”.

14 **SEC. 203. ANADROMOUS FISHERIES AMENDMENTS.**

15 Section 4 of the Anadromous Fish Conservation Act  
 16 (16 U.S.C. 757d) is amended to read as follows:

17 “AUTHORIZATION OF APPROPRIATIONS

18 “SEC. 4. (a)(1) There are authorized to be appro-  
 19 priated to carry out the purposes of this Act not to exceed  
 20 the following sums:

21 “(A) \$4,500,000 for fiscal year 2001; and

22 “(B) \$4,750,000 for each of fiscal years 2002,  
 23 2003, and 2004.

24 “(2) Sums appropriated under this subsection are au-  
 25 thorized to remain available until expended.

1 “(b) Not more than \$625,000 of the funds appro-  
2 priated under this section in any one fiscal year shall be  
3 obligated in any one State.”.

## 4 **TITLE III—REIMBURSEMENT OF** 5 **EXPENSES**

### 6 **SEC. 301. REIMBURSEMENT OF EXPENSES.**

7 Notwithstanding section 3302 (b) and (c) of title 31,  
8 United States Code, all amounts received by the United  
9 States in settlement of, or judgment for, damage claims  
10 arising from the October 9, 1992, allision of the vessel  
11 ZACHARY into the National Oceanic and Atmospheric  
12 Administration research vessel DISCOVERER, and from  
13 the disposal of marine assets, and all amounts received  
14 by the United States from the disposal of marine assets  
15 of the National Oceanic and Atmospheric  
16 Administration—

17 (1) shall be retained as an offsetting collection  
18 in the Operations, Research and Facilities account  
19 of the National Oceanic and Atmospheric Adminis-  
20 tration;

21 (2) shall be deposited into that account upon  
22 receipt by the United States Government; and

23 (3) shall be available only for obligation for Na-  
24 tional Oceanic and Atmospheric Administration hy-  
25 drographic and fisheries vessel operations.

1 **TITLE IV—EXTENSION OF PE-**  
2 **RIOD FOR REIMBURSEMENT**  
3 **UNDER FISHERMEN’S PRO-**  
4 **TECTIVE ACT OF 1967**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Fishermen’s Protec-  
7 tive Act Amendments of 2000”.

8 **SEC. 402. EXTENSION OF PERIOD FOR REIMBURSEMENT**  
9 **UNDER FISHERMEN’S PROTECTIVE ACT OF**  
10 **1967.**

11 (a) IN GENERAL.—Section 7(e) of the Fishermen’s  
12 Protective Act of 1967 (22 U.S.C. 1977(e)) is amended  
13 by striking “2000” and inserting “2003”.

14 (b) CLERICAL AMENDMENT.—Section 7(a)(3) of the  
15 Fishermen’s Protective Act of 1967 (22 U.S.C.  
16 1977(a)(3)) is amended by striking “Secretary of the Inte-  
17 rior” and inserting “Secretary of Commerce”.

18 **TITLE V—YUKON RIVER SALMON**

19 **SEC. 501. SHORT TITLE.**

20 This title may be cited as the “Yukon River Salmon  
21 Act of 2000”.

22 **SEC. 502. YUKON RIVER SALMON PANEL.**

23 (a) ESTABLISHMENT.—



1           (1) IN GENERAL.—There shall be a Yukon  
2 River Salmon Panel (in this title referred to as the  
3 “Panel”).

4           (2) FUNCTIONS.—The Panel shall—

5                 (A) advise the Secretary of State regarding  
6 the negotiation of any international agreement  
7 with Canada relating to management of salmon  
8 stocks originating from the Yukon River in  
9 Canada;

10                (B) advise the Secretary of the Interior re-  
11 garding restoration and enhancement of such  
12 salmon stocks; and

13                (C) perform other functions relating to  
14 conservation and management of such salmon  
15 stocks as authorized by this title or any other  
16 law.

17           (3) DESIGNATION AS UNITED STATES REP-  
18 RESENTATIVES ON BILATERAL BODY.—The Sec-  
19 retary of State may designate the members of the  
20 Panel to be the United States representatives on any  
21 successor to the panel established by the interim  
22 agreement for the conservation of salmon stocks  
23 originating from the Yukon River in Canada agreed  
24 to through an exchange of notes between the Gov-  
25 ernment of the United States and the Government

1 of Canada on February 3, 1995, if authorized by  
2 any agreement establishing such successor.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Panel shall be com-  
5 prised of six members, as follows:

6 (A) One member who is an official of the  
7 United States Government with expertise in  
8 salmon conservation and management, who  
9 shall be appointed by the Secretary of State.

10 (B) One member who is an official of the  
11 State of Alaska with expertise in salmon con-  
12 servation and management, who shall be ap-  
13 pointed by the Governor of Alaska.

14 (C) Four members who are knowledgeable  
15 and experienced with regard to the salmon fish-  
16 eries on the Yukon River, who shall be ap-  
17 pointed by the Secretary of State.

18 (2) APPOINTEES FROM ALASKA.—(A) The Sec-  
19 retary of State shall appoint the members under  
20 paragraph (1)(C) from a list of at least three indi-  
21 viduals nominated for each position by the Governor  
22 of Alaska.

23 (B) In making the nominations, the Governor  
24 of Alaska may consider suggestions for nominations

1 provided by organizations with expertise in Yukon  
2 River salmon fisheries.

3 (C) The Governor of Alaska may make appro-  
4 priate nominations to allow for appointment of, and  
5 the Secretary of State shall appoint, under para-  
6 graph (1)(C)—

7 (i) at least one member who is qualified to  
8 represent the interests of Lower Yukon River  
9 fishing districts; and

10 (ii) at least one member who is qualified to  
11 represent the interests of Upper Yukon River  
12 fishing districts.

13 (D) At least one of the members appointed  
14 under paragraph (1)(C) shall be an Alaska Native.

15 (3) ALTERNATES.—(A) The Secretary of State  
16 may designate an alternate Panel member for each  
17 Panel member the Secretary appoints under para-  
18 graphs (1)(A) and (C), who meets the same quali-  
19 fications, to serve in the absence of the Panel mem-  
20 ber.

21 (B) The Governor of the State of Alaska may  
22 designate an alternative Panel member for the Panel  
23 member appointed under paragraph (1)(B), who  
24 meets the same qualifications, to serve in the ab-  
25 sence of that Panel member.

1 (c) TERM LENGTH.—Panel members and alternate  
2 Panel members shall serve four-year terms. Any individual  
3 appointed to fill a vacancy occurring before the expiration  
4 of any term shall be appointed for the remainder of that  
5 term.

6 (d) REAPPOINTMENT.—Panel members and alternate  
7 Panel members shall be eligible for reappointment.

8 (e) DECISIONS.—Decisions of the Panel shall be  
9 made by the consensus of the Panel members appointed  
10 under subparagraphs (B) and (C) of subsection (b)(1).

11 (f) CONSULTATION.—In carrying out their functions,  
12 Panel members may consult with such other interested  
13 parties as they consider appropriate.

14 **SEC. 503. ADVISORY COMMITTEE.**

15 (a) APPOINTMENTS.—The Governor of Alaska may  
16 establish and appoint an advisory committee (in this title  
17 referred to as the “advisory committee”) of not less than  
18 eight, but not more than 12, individuals who are knowl-  
19 edgeable and experienced with regard to the salmon fish-  
20 eries on the Yukon River. At least two of the advisory  
21 committee members shall be Alaska Natives. Members of  
22 the advisory committee may attend all meetings of the  
23 Panel, and shall be given the opportunity to examine and  
24 be heard on any matter under consideration by the Panel.

1 (b) COMPENSATION.—The members of such advisory  
2 committee shall receive no compensation for their services.

3 (c) TERM LENGTH.—Members of such advisory com-  
4 mittee shall serve two-year terms. Any individual ap-  
5 pointed to fill a vacancy occurring before the expiration  
6 of any term shall be appointed for the remainder of that  
7 term.

8 (d) REAPPOINTMENT.—Members of such advisory  
9 committee shall be eligible for reappointment.

10 **SEC. 504. EXEMPTION.**

11 The Federal Advisory Committee Act (5 U.S.C. App.)  
12 shall not apply to the Panel or to the advisory committee.

13 **SEC. 505. AUTHORITY AND RESPONSIBILITY.**

14 (a) RESPONSIBLE MANAGEMENT ENTITY.—The  
15 State of Alaska Department of Fish and Game shall be  
16 the responsible management entity for the United States  
17 for the purposes of any agreement with Canada regarding  
18 management of salmon stocks originating from the Yukon  
19 River in Canada.

20 (b) EFFECT OF DESIGNATION.—The designation  
21 under subsection (a) shall not be considered to expand,  
22 diminish, or otherwise change the management authority  
23 of the State of Alaska or the Federal Government with  
24 respect to fishery resources.

1       (c) RECOMMENDATIONS OF PANEL.—In addition to  
2 recommendations made by the Panel to the responsible  
3 management entities in accordance with any agreement  
4 with Canada regarding management of salmon stocks  
5 originating from the Yukon River in Canada, the Panel  
6 may make recommendations concerning the conservation  
7 and management of salmon originating in the Yukon River  
8 to the Department of the Interior, the Department of  
9 Commerce, the Department of State, the North Pacific  
10 Fishery Management Council, and other Federal or State  
11 entities as appropriate. Recommendations by the Panel  
12 shall be advisory in nature.

13 **SEC. 506. ADMINISTRATIVE MATTERS.**

14       (a) COMPENSATION.—Panel members and alternate  
15 Panel members who are not State or Federal employees  
16 shall receive compensation at the daily rate of GS–15 of  
17 the General Schedule when engaged in the actual perform-  
18 ance of duties.

19       (b) TRAVEL AND OTHER NECESSARY EXPENSES.—  
20 Travel and other necessary expenses shall be paid by the  
21 Secretary of the Interior for all Panel members, alternate  
22 Panel members, and members of the advisory committee  
23 when such members are engaged in the actual perform-  
24 ance of duties for the Panel or advisory committee.

1       (c) TREATMENT AS FEDERAL EMPLOYEES.—Except  
 2 for officials of the United States Government, all Panel  
 3 members, alternate Panel members, and members of the  
 4 advisory committee shall not be considered to be Federal  
 5 employees while engaged in the actual performance of du-  
 6 ties, except for the purposes of injury compensation or tort  
 7 claims liability as provided in chapter 81 of title 5, United  
 8 States Code, and chapter 71 of title 28, United States  
 9 Code.

10 **SEC. 507. YUKON RIVER SALMON STOCK RESTORATION**  
 11 **AND ENHANCEMENT PROJECTS.**

12       (a) IN GENERAL.—The Secretary of the Interior, in  
 13 consultation with the Secretary of Commerce, may carry  
 14 out projects to restore or enhance salmon stocks origi-  
 15 nating from the Yukon River in Canada and the United  
 16 States.

17       (b) COOPERATION WITH CANADA.—If there is in ef-  
 18 fect an agreement between the Government of the United  
 19 States and the Government of Canada for the conservation  
 20 of salmon stocks originating from the Yukon River in Can-  
 21 ada that includes provisions governing projects authorized  
 22 under this section, then—

23               (1) projects under this section shall be carried  
 24 out in accordance with that agreement; and

1           (2) amounts available for projects under this  
2       section—

3           (A) shall be expended in accordance with  
4       the agreement; and

5           (B) may be deposited in any joint account  
6       established by the agreement to fund such  
7       projects.

8   **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

9       There are authorized to be appropriated to the Sec-  
10   retary of the Interior to carry out this title \$4,000,000  
11   for each of fiscal years 2000, 2001, 2002, and 2003, of  
12   which—

13           (1) such sums as are necessary shall be avail-  
14   able each fiscal year for travel expenses of Panel  
15   members, alternate Panel members, United States  
16   members of the Joint Technical Committee estab-  
17   lished by paragraph C.2 of the memorandum of un-  
18   derstanding concerning the Pacific Salmon Treaty  
19   between the Government of the United States and  
20   the Government of Canada (recorded January 28,  
21   1985), and members of the advisory committee, in  
22   accordance with Federal Travel Regulations and sec-  
23   tions 5701, 5702, 5704 through 5708, and 5731 of  
24   title 5, United States Code;



1           (2) such sums as are necessary shall be avail-  
2       able for the United States share of expenses in-  
3       curred by the Joint Technical Committee and any  
4       panel established by any agreement between the  
5       Government of the United States and the Govern-  
6       ment of Canada for restoration and enhancement of  
7       salmon originating in Canada;

8           (3) up to \$3,000,000 shall be available each fis-  
9       cal year for activities by the Department of the Inte-  
10      rior and the Department of Commerce for survey,  
11      restoration, and enhancement activities related to  
12      salmon stocks originating from the Yukon River in  
13      Canada, of which up to \$1,200,000 shall be available  
14      each fiscal year for Yukon River salmon stock res-  
15      toration and enhancement projects under section  
16      507(b); and

17          (4) \$600,000 shall be available each fiscal year  
18      for cooperative salmon research and management  
19      projects in the portion of the Yukon River drainage  
20      located in the United States that are recommended  
21      by the Panel.

## **TITLE VI—FISHERY INFORMATION ACQUISITION**

### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Fisheries Survey Vessel Authorization Act of 2000”.

### **SEC. 602. ACQUISITION OF FISHERY SURVEY VESSELS.**

(a) IN GENERAL.—The Secretary of Commerce, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

1           (2) have a hull that meets the International  
2       Council for Exploration of the Sea standard regard-  
3       ing acoustic quietness.

4       (c) FISHERIES RESEARCH VESSEL PROCURE-  
5       MENT.—Notwithstanding section 644 of title 15, United  
6       States Code, and section 19.502–2 of title 48, Code of  
7       Federal Regulations, the Secretary of Commerce shall  
8       seek to procure Fisheries Research Vessels through full  
9       and open competition from responsible United States ship-  
10      building companies irrespective of size.

11      (d) AUTHORIZATION.—To carry out this section there  
12      are authorized to be appropriated to the Secretary of Com-  
13      merce \$60,000,000 for each of fiscal years 2002 and  
14      2003.

15      **TITLE VII—ATLANTIC COASTAL**  
16                                   **FISHERIES**  
17      **Subtitle A—Atlantic Striped Bass**  
18                                   **Conservation**

19      **SEC. 701. REAUTHORIZATION OF ATLANTIC STRIPED BASS**  
20                                   **CONSERVATION ACT.**

21      Section 7(a) of the Atlantic Striped Bass Conserva-  
22      tion Act (16 U.S.C. 1851 note) is amended to read as  
23      follows:

1       “(a) AUTHORIZATION.—For each of fiscal years  
2 2001, 2002, and 2003, there are authorized to be appro-  
3 priated to carry out this Act—

4               “(1) \$1,000,000 to the Secretary of Commerce;  
5       and

6               “(2) \$250,000 to the Secretary of the Inte-  
7       rior.”.

8 **SEC. 702. POPULATION STUDY OF STRIPED BASS.**

9       (a) STUDY.—The Secretaries (as that term is defined  
10 in the Atlantic Striped Bass Conservation Act), in con-  
11 sultation with the Atlantic States Marine Fisheries Com-  
12 mission, shall conduct a study to determine if the distribu-  
13 tion of year classes in the Atlantic striped bass population  
14 is appropriate for maintaining adequate recruitment and  
15 sustainable fishing opportunities. In conducting the study,  
16 the Secretaries shall consider—

17               (1) long-term stock assessment data and other  
18       fishery-dependent and independent data for Atlantic  
19       striped bass; and

20               (2) the results of peer-reviewed research funded  
21       under the Atlantic Striped Bass Conservation Act.

22       (b) REPORT.—Not later than 180 days after the date  
23 of the enactment of this Act, the Secretaries, in consulta-  
24 tion with the Atlantic States Marine Fisheries Commis-  
25 sion, shall submit to the Committee on Resources of the

1 House of Representatives the results of the study and a  
 2 long-term plan to ensure a balanced and healthy popu-  
 3 lation structure of Atlantic striped bass, including older  
 4 fish. The report shall include information regarding—

5           (1) the structure of the Atlantic striped bass  
 6           population required to maintain adequate recruit-  
 7           ment and sustainable fishing opportunities; and

8           (2) recommendations for measures necessary to  
 9           achieve and maintain the population structure de-  
 10          scribed in paragraph (1).

11          (c) AUTHORIZATION.—There are authorized to be ap-  
 12          propriated to the Secretary of Commerce \$250,000 to  
 13          carry out this section.

## 14           **Subtitle B—Atlantic Coastal** 15          **Fisheries Cooperative Management**

### 16          **SEC. 703. SHORT TITLE.**

17          This subtitle may be cited as the “Atlantic Coastal  
 18          Fisheries Act of 2000”.

### 19          **SEC. 704. REAUTHORIZATION OF ATLANTIC COASTAL FISH-** 20          **ERIES COOPERATIVE MANAGEMENT ACT.**

21          (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
 22          811 of the Atlantic Coastal Fisheries Cooperative Manage-  
 23          ment Act (16 U.S.C. 5108) is amended to read as follows:

1 **“SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—To carry out this title, there are  
3 authorized to be appropriated \$10,000,000 for each of fis-  
4 cal years 2001 through 2005.

5 “(b) COOPERATIVE STATISTICS PROGRAM.—  
6 Amounts authorized under subsection (a) may be used by  
7 the Secretary to support the Commission’s cooperative  
8 statistics program.”.

9 (b) TECHNICAL CORRECTIONS.—

10 (1) IN GENERAL.—Such Act is amended—

11 (A) in section 802(3) (16 U.S.C. 5101(3))  
12 by striking “such resources in” and inserting  
13 “such resources is”; and

14 (B) by striking section 812 and the second  
15 section 811.

16 (2) AMENDMENTS TO REPEAL NOT AF-  
17 FECTED.—The amendments made by paragraph  
18 (1)(B) shall not affect any amendment or repeal  
19 made by the sections struck by that paragraph.

20 (3) SHORT TITLE REFERENCES.—Such Act is  
21 further amended by striking “Magnuson Fishery”  
22 each place it appears and inserting “Magnuson-Ste-  
23 vens Fishery”.

24 (c) REPORTS.—

25 (1) ANNUAL REPORT TO THE SECRETARY.—

26 The Secretary shall require, as a condition of pro-

1       viding financial assistance under this title, that the  
 2       Commission and each State receiving such assistance  
 3       submit to the Secretary an annual report that pro-  
 4       vides a detailed accounting of the use the assistance.

5           (2) BIENNIAL REPORTS TO THE CONGRESS.—

6       The Secretary shall submit biennial reports to the  
 7       Committee on Resources of the House of Represent-  
 8       atives and the Committee on Commerce, Science,  
 9       and Transportation of the Senate on the use of Fed-  
 10      eral assistance provided to the Commission and the  
 11      States under this title. Each biennial report shall  
 12      evaluate the success of such assistance in imple-  
 13      menting this title.

## 14       **TITLE VIII—PACIFIC SALMON** 15           **RECOVERY**

16   **SEC. 801. SHORT TITLE.**

17       This title may be cited as the “Pacific Salmon Recov-  
 18      ery Act”.

19   **SEC. 802. SALMON CONSERVATION AND SALMON HABITAT**  
 20           **RESTORATION ASSISTANCE.**

21       (a) REQUIREMENT TO PROVIDE ASSISTANCE.—Sub-  
 22      ject to the availability of appropriations, the Secretary of  
 23      Commerce shall provide financial assistance in accordance  
 24      with this title to qualified States and qualified tribal gov-

1 ernments for salmon conservation and salmon habitat res-  
2 toration activities.

3 (b) ALLOCATION.—Of the amounts available to pro-  
4 vide assistance under this section each fiscal year (after  
5 the application of section 803(g)), the Secretary—

6 (1) shall allocate 85 percent among qualified  
7 States, in equal amounts; and

8 (2) shall allocate 15 percent among qualified  
9 tribal governments, in amounts determined by the  
10 Secretary.

11 (c) TRANSFER.—

12 (1) IN GENERAL.—The Secretary shall prompt-  
13 ly transfer in a lump sum—

14 (A) to a qualified State that has submitted  
15 a Conservation and Restoration Plan under sec-  
16 tion 803(a) amounts allocated to the qualified  
17 State under subsection (b)(1) of this section,  
18 unless the Secretary determines, within 30 days  
19 after the submittal of the plan to the Secretary,  
20 that the plan is inconsistent with the require-  
21 ments of this title; and

22 (B) to a qualified tribal government that  
23 has entered into a memorandum of under-  
24 standing with the Secretary under section  
25 803(b) amounts allocated to the qualified tribal



1 government under subsection (b)(2) of this sec-  
2 tion.

3 (2) TRANSFERS TO QUALIFIED STATES.—The  
4 Secretary shall make the transfer under paragraph  
5 (1)(A)—

6 (A) to the Washington State Salmon Re-  
7 covery Board, in the case of amounts allocated  
8 to Washington;

9 (B) to the Oregon State Watershed En-  
10 hancement Board, in the case of amounts allo-  
11 cated to Oregon;

12 (C) to the California Department of Fish  
13 and Game for the California Coastal Salmon  
14 Recovery Program, in the case of amounts allo-  
15 cated to California;

16 (D) to the Governor of Alaska, in the case  
17 of amounts allocated to Alaska; and

18 (E) to the Office of Species Conservation,  
19 in the case of amounts allocated to Idaho.

20 (d) REALLOCATION.—

21 (1) AMOUNTS ALLOCATED TO QUALIFIED  
22 STATES.—Amounts that are allocated to a qualified  
23 State for a fiscal year shall be reallocated under sub-  
24 section (b)(1) among the other qualified States, if—

1 (A) the qualified State has not submitted  
2 a plan in accordance with section 803(a) as of  
3 the end of the fiscal year; or

4 (B) the amounts remain unobligated at the  
5 end of the subsequent fiscal year.

6 (2) AMOUNTS ALLOCATED TO QUALIFIED TRIB-  
7 AL GOVERNMENTS.—Amounts that are allocated to a  
8 qualified tribal government for a fiscal year shall be  
9 reallocated under subsection (b)(2) among the other  
10 qualified tribal governments, if the qualified tribal  
11 government has not entered into a memorandum of  
12 understanding with the Secretary in accordance with  
13 section 803(b) as of the end of the fiscal year.

14 **SEC. 803. RECEIPT AND USE OF ASSISTANCE.**

15 (a) QUALIFIED STATE SALMON CONSERVATION AND  
16 RESTORATION PLAN.—

17 (1) IN GENERAL.—To receive assistance under  
18 this title, a qualified State shall develop and submit  
19 to the Secretary a Salmon Conservation and Salmon  
20 Habitat Restoration Plan.

21 (2) CONTENTS.—Each Salmon Conservation  
22 and Salmon Restoration Plan shall, at a minimum—

23 (A) be consistent with other applicable  
24 Federal laws;

1 (B) be consistent with the goal of salmon  
2 recovery;

3 (C) except as provided in subparagraph  
4 (D), give priority to use of assistance under this  
5 section for projects that—

6 (i) provide a direct and demonstrable  
7 benefit to salmon or their habitat;

8 (ii) provide the greatest benefit to  
9 salmon conservation and salmon habitat  
10 restoration relative to the cost of the  
11 projects; and

12 (iii) conserve, and restore habitat,  
13 for—

14 (I) salmon that are listed as en-  
15 dangered species or threatened spe-  
16 cies, proposed for such listing, or can-  
17 didates for such listing, under the En-  
18 dangered Species Act of 1973 (16  
19 U.S.C. 1531 et seq.); or

20 (II) salmon that are given special  
21 protection under the laws or regula-  
22 tions of the qualified State;

23 (D) in the case of a plan submitted by a  
24 qualified State in which, as of the date of the  
25 enactment of this Act, there is no area at which

1 a salmon species referred to in subparagraph  
2 (C)(iii)(I) spawns—

3 (i) give priority to use of assistance  
4 for projects referred to in subparagraph  
5 (C)(i) and (ii) that contribute to proactive  
6 programs to conserve and enhance species  
7 of salmon that intermingle with, or are  
8 otherwise related to, species referred to in  
9 subparagraph (C)(iii)(I), which may in-  
10 clude (among other matters)—

11 (I) salmon-related research, data  
12 collection, and monitoring;

13 (II) salmon supplementation and  
14 enhancement;

15 (III) salmon habitat restoration;

16 (IV) increasing economic oppor-  
17 tunities for salmon fishermen; and

18 (V) national and international co-  
19 operative habitat programs; and

20 (ii) provide for revision of the plan  
21 within one year after any date on which  
22 any salmon species that spawns in the  
23 qualified State is listed as an endangered  
24 species or threatened species, proposed for  
25 such listing, or a candidate for such list-

1                   ing, under the Endangered Species Act of  
2                   1973 (16 U.S.C. 1531 et seq.);

3                   (E) establish specific goals and timelines  
4                   for activities funded with such assistance;

5                   (F) include measurable criteria by which  
6                   such activities may be evaluated;

7                   (G) require that activities carried out with  
8                   such assistance shall—

9                         (i) be scientifically based;

10                       (ii) be cost effective;

11                       (iii) not be conducted on private land  
12                       except with the consent of the owner of the  
13                       land; and

14                       (iv) contribute to the conservation and  
15                       recovery of salmon;

16                   (H) require that the qualified State main-  
17                   tain its aggregate expenditures of funds from  
18                   non-Federal sources for salmon habitat restora-  
19                   tion programs at or above the average level of  
20                   such expenditures in the 2 fiscal years pre-  
21                   ceding the date of the enactment of this Act;  
22                   and

23                   (I) ensure that activities funded under this  
24                   title are conducted in a manner in which, and

1 in areas where, the State has determined that  
2 they will have long-term benefits.

3 (3) SOLICITATION OF COMMENTS.—In pre-  
4 paring a plan under this subsection a qualified State  
5 shall seek comments on the plan from local govern-  
6 ments in the qualified State.

7 (b) TRIBAL MOU WITH SECRETARY.—

8 (1) IN GENERAL.—To receive assistance under  
9 this title, a qualified tribal government shall enter  
10 into a memorandum of understanding with the Sec-  
11 retary regarding use of the assistance.

12 (2) CONTENTS.—Each memorandum of under-  
13 standing shall, at a minimum—

14 (A) be consistent with other applicable  
15 Federal laws;

16 (B) be consistent with the goal of salmon  
17 recovery;

18 (C) give priority to use of assistance under  
19 this Act for activities that—

20 (i) provide a direct and demonstrable  
21 benefit to salmon or their habitat;

22 (ii) provide the greatest benefit to  
23 salmon conservation and salmon habitat  
24 restoration relative to the cost of the  
25 projects; and

1 (iii) conserve, and restore habitat,  
2 for—

3 (I) salmon that are listed as en-  
4 dangered species or threatened spe-  
5 cies, proposed for such listing, or can-  
6 didates for such listing, under the En-  
7 dangered Species Act of 1973 (16  
8 U.S.C. 1531 et seq.); or

9 (II) salmon that are given special  
10 protection under the ordinances or  
11 regulations of the qualified tribal gov-  
12 ernment;

13 (D) in the case of a memorandum of un-  
14 derstanding entered into by a qualified tribal  
15 government for an area in which, as of the date  
16 of the enactment of this Act, there is no area  
17 at which a salmon species that is referred to in  
18 subparagraph (C)(iii)(I) spawns—

19 (i) give priority to use of assistance  
20 for projects referred to in subparagraph  
21 (C)(i) and (ii) that contribute to proactive  
22 programs described in subsection  
23 (a)(2)(D)(i);

24 (ii) include a requirement that the  
25 memorandum shall be revised within 1

1 year after any date on which any salmon  
2 species that spawns in the area is listed as  
3 an endangered species or threatened spe-  
4 cies, proposed for such listing, or a can-  
5 didate for such listing, under the Endan-  
6 gered Species Act of 1973 (16 U.S.C.  
7 1531 et seq.);

8 (E) establish specific goals and timelines  
9 for activities funded with such assistance;

10 (F) include measurable criteria by which  
11 such activities may be evaluated;

12 (G) establish specific requirements for re-  
13 porting to the Secretary by the qualified tribal  
14 government;

15 (H) require that activities carried out with  
16 such assistance shall—

17 (i) be scientifically based;

18 (ii) be cost effective;

19 (iii) not be conducted on private land  
20 except with the consent of the owner of the  
21 land; and

22 (iv) contribute to the conservation or  
23 recovery of salmon; and

24 (I) require that the qualified tribal govern-  
25 ment maintain its aggregate expenditures of



1 funds from non-Federal sources for salmon  
2 habitat restoration programs at or above the  
3 average level of such expenditures in the 2 fis-  
4 cal years preceding the date of the enactment  
5 of this Act.

6 (c) ELIGIBLE ACTIVITIES.—

7 (1) IN GENERAL.—Assistance under this title  
8 may be used by a qualified State in accordance with  
9 a plan submitted by the State under subsection (a),  
10 or by a qualified tribal government in accordance  
11 with a memorandum of understanding entered into  
12 by the government under subsection (b), to carry out  
13 or make grants to carry out, among other activities,  
14 the following:

15 (A) Watershed evaluation, assessment, and  
16 planning necessary to develop a site-specific and  
17 clearly prioritized plan to implement watershed  
18 improvements, including for making multi-year  
19 grants.

20 (B) Salmon-related research, data collec-  
21 tion, and monitoring, salmon supplementation  
22 and enhancement, and salmon habitat restora-  
23 tion.

24 (C) Maintenance and monitoring of  
25 projects completed with such assistance.

1           (D) Technical training and education  
2           projects, including teaching private landowners  
3           about practical means of improving land and  
4           water management practices to contribute to  
5           the conservation and restoration of salmon  
6           habitat.

7           (E) Other activities related to salmon con-  
8           servation and salmon habitat restoration.

9           (2) USE FOR LOCAL AND REGIONAL  
10          PROJECTS.—Funds allocated to qualified States  
11          under this title shall be used for local and regional  
12          projects.

13          (d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE  
14          OF JURISDICTION OF RECIPIENT.—Assistance under this  
15          section provided to a qualified State or qualified tribal  
16          government may be used for activities conducted outside  
17          the areas under its jurisdiction if the activity will provide  
18          conservation benefits to naturally produced salmon in  
19          streams of concern to the qualified State or qualified tribal  
20          government, respectively.

21          (e) COST SHARING BY QUALIFIED STATES.—

22               (1) IN GENERAL.—A qualified State shall  
23               match, in the aggregate, the amount of any financial  
24               assistance provided to the qualified State for a fiscal  
25               year under this title, in the form of monetary con-

1        tributions or in-kind contributions of services for  
2        projects carried out with such assistance. For pur-  
3        poses of this paragraph, monetary contributions by  
4        the State shall not be considered to include funds re-  
5        ceived from other Federal sources.

6            (2) LIMITATION ON REQUIRING MATCHING FOR  
7        EACH PROJECT.—The Secretary may not require a  
8        qualified State to provide matching funds for each  
9        project carried out with assistance under this title.

10          (3) TREATMENT OF MONETARY CONTRIBU-  
11        TIONS.—For purposes of subsection (a)(2)(H), the  
12        amount of monetary contributions by a qualified  
13        State under this subsection shall be treated as ex-  
14        penditures from non-Federal sources for salmon con-  
15        servation and salmon habitat restoration programs.

16        (f) COORDINATION OF ACTIVITIES.—

17            (1) IN GENERAL.—Each qualified State and  
18        each qualified tribal government receiving assistance  
19        under this title is encouraged to carefully coordinate  
20        salmon conservation activities of its agencies to  
21        eliminate duplicative and overlapping activities.

22            (2) CONSULTATION.—Each qualified State and  
23        qualified tribal government receiving assistance  
24        under this title shall consult with the Secretary to

1 ensure there is no duplication in projects funded  
2 under this title.

3 (g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

4 (1) FEDERAL ADMINISTRATIVE EXPENSES.—Of  
5 the amount made available under this title each fis-  
6 cal year, not more than 1 percent may be used by  
7 the Secretary for administrative expenses incurred in  
8 carrying out this title.

9 (2) STATE AND TRIBAL ADMINISTRATIVE EX-  
10 PENSES.—Of the amount allocated under this title  
11 to a qualified State or qualified tribal government  
12 each fiscal year, not more than 3 percent may be  
13 used by the qualified State or qualified tribal gov-  
14 ernment, respectively, for administrative expenses in-  
15 curred in carrying out this title.

16 **SEC. 804. PUBLIC PARTICIPATION.**

17 (a) QUALIFIED STATE GOVERNMENTS.—Each quali-  
18 fied State seeking assistance under this title shall establish  
19 a citizens advisory committee or provide another similar  
20 forum for local governments and the public to participate  
21 in obtaining and using the assistance.

22 (b) QUALIFIED TRIBAL GOVERNMENTS.—Each  
23 qualified tribal government receiving assistance under this  
24 title shall hold public meetings to receive recommendations  
25 on the use of the assistance.

1 **SEC. 805. CONSULTATION NOT REQUIRED.**

2 Consultation under section 7 of the Endangered Spe-  
3 cies Act of 1973 (16 U.S.C. 1531 et seq.) shall not be  
4 required based solely on the provision of financial assist-  
5 ance under this title.

6 **SEC. 806. REPORTS.**

7 (a) **QUALIFIED STATES.**—Each qualified State shall,  
8 by not later than December 31 of each year, submit to  
9 the Committee on Commerce, Science, and Transportation  
10 of the Senate and the Committee on Resources of the  
11 House of Representatives an annual report on the use of  
12 financial assistance received by the qualified State under  
13 this title. The report shall contain an evaluation of the  
14 success of this title in meeting the criteria listed in section  
15 803(a)(2).

16 (b) **SECRETARY.**—

17 (1) **ANNUAL REPORT REGARDING QUALIFIED**  
18 **TRIBAL GOVERNMENTS.**—The Secretary shall, by not  
19 later than December 31 of each year, submit to the  
20 Committee on Commerce, Science, and Transpor-  
21 tation of the Senate and the Committee on Re-  
22 sources of the House of Representatives an annual  
23 report on the use of financial assistance received by  
24 qualified tribal governments under this title. The re-  
25 port shall contain an evaluation of the success of

1       this Act in meeting the criteria listed in section  
2       803(b)(2).

3           (2) BIENNIAL REPORT.—The Secretary shall,  
4       by not later than December 31 of the second year  
5       in which amounts are available to carry out this  
6       title, and of every second year thereafter, submit to  
7       the Committee on Commerce, Science, and Trans-  
8       portation of the Senate and the Committee on Re-  
9       sources of the House of Representatives a biennial  
10      report on the use of funds allocated to qualified  
11      States under this title. The report shall review pro-  
12      grams funded by the States and evaluate the success  
13      of this title in meeting the criteria listed in section  
14      803(a)(2).

15 **SEC. 807. DEFINITIONS.**

16      In this title:

17           (1) INDIAN TRIBE.—The term “Indian tribe”  
18      has the meaning given that term in section 4(e) of  
19      the Indian Self-Determination and Education Assist-  
20      ance Act (25 U.S.C. 450b(e)).

21           (2) QUALIFIED STATE.—The term “qualified  
22      State” means each of the States of Alaska, Wash-  
23      ington, Oregon, California, and Idaho.

24           (3) QUALIFIED TRIBAL GOVERNMENT.—The  
25      term “qualified tribal government” means—

1 (A) a tribal government of an Indian tribe  
2 in Washington, Oregon, California, or Idaho  
3 that the Secretary of Commerce, in consultation  
4 with the Secretary of the Interior, determines—

5 (i) is involved in salmon management  
6 and recovery activities under the Endan-  
7 gered Species Act of 1973 (16 U.S.C.  
8 1531 et seq.); and

9 (ii) has the management and organi-  
10 zational capability to maximize the benefits  
11 of assistance provided under this title; and

12 (B) a regional or village corporation as de-  
13 fined in or established pursuant to the Alaska  
14 Native Claims Settlement Act (43 U.S.C. 1601  
15 et seq.) that the Secretary of Commerce, in con-  
16 sultation with the Secretary of the Interior,  
17 determines—

18 (i) is involved in salmon conservation  
19 and management; and

20 (ii) has the management and organi-  
21 zational capability to maximize the benefits  
22 of assistance provided under this title.

23 (4) SALMON.—The term “salmon” means any  
24 naturally produced salmon or naturally produced  
25 trout of the following species:

1 (A) Coho salmon (*oncorhynchus kisutch*).

2 (B) Chinook salmon (*oncorhynchus*  
3 *tshawytscha*).

4 (C) Chum salmon (*oncorhynchus keta*).

5 (D) Pink salmon (*oncorhynchus*  
6 *gorbuscha*).

7 (E) Sockeye salmon (*oncorhynchus nerka*).

8 (F) Steelhead trout (*oncorhynchus*  
9 *mykiss*).

10 (G) Sea-run cutthroat trout (*oncorhynchus*  
11 *clarki clarki*).

12 (H) For purposes of application of this  
13 title in Oregon—

14 (i) Lahontan cutthroat trout  
15 (*oncorhynchus clarki henshawi*); and

16 (ii) Bull trout (*salvelinus confluentus*).

17 (I) For purposes of application of this title  
18 in Washington and Idaho, Bull trout (*salvelinus*  
19 *confluentus*).

20 (5) SECRETARY.—The term Secretary means  
21 the Secretary of Commerce.

22 **SEC. 808. PACIFIC SALMON TREATY.**

23 (a) TRANSBOUNDARY PANEL REPRESENTATION.—

24 (1) IN GENERAL.—Section 3 of the Pacific  
25 Salmon Treaty Act of 1985 (16 U.S.C. 3632) is



1       amended by redesignating subsections (f), (g), and  
2       (h) in order as subsections (g), (h), and (i), and by  
3       inserting after subsection (e) the following:

4       “(f) TRANSBOUNDARY PANEL.—The United States  
5       shall be represented on the transboundary Panel by seven  
6       Panel members, of whom—

7               “(1) one shall be an official of the United  
8       States Government with salmon fishery management  
9       responsibility and expertise;

10              “(2) one shall be an official of the State of  
11       Alaska with salmon fishery management responsi-  
12       bility and expertise; and

13              “(3) five shall be individuals knowledgeable and  
14       experienced in the salmon fisheries for which the  
15       transboundary Panel is responsible.”.

16       (2) CONFORMING AMENDMENTS.—

17              (A) Subsection (g) of section 3 of the Pa-  
18       cific Salmon Treaty Act of 1985 (16 U.S.C.  
19       3632), as redesignated by paragraph (1) of this  
20       subsection, is amended—

21                      (i) by striking “and (e)(2)” and in-  
22                      serting “(e)(2), and (f)(2)”;

23                      (ii) by striking “and (e)(4)” and in-  
24                      serting “(e)(4), and (f)(3)”;

1 (iii) by striking “The appointing au-  
 2 thorities listed above” and inserting “For  
 3 the southern, northern, and Frazier River  
 4 Panels, the appointing authorities listed  
 5 above”.

6 (B) Subsection (h)(2) of section 3 the Pa-  
 7 cific Salmon Treaty Act of 1985 (16 U.S.C.  
 8 3632), as redesignated by paragraph (1) of this  
 9 subsection, is amended by striking “and south-  
 10 ern” and inserting “, southern, and  
 11 transboundary”.

12 (C) Section 9 of the Pacific Salmon Treaty  
 13 Act of 1985 (16 U.S.C. 3638) is amended by  
 14 striking “9(g)” and inserting “9(h)”.

15 (b) COMPENSATION AND EXPENSES FOR UNITED  
 16 STATES REPRESENTATIVES ON NORTHERN AND SOUTH-  
 17 ERN FUND COMMITTEES.—

18 (1) COMPENSATION.—Section 11 of the Pacific  
 19 Salmon Treaty Act of 1985 (16 U.S.C. 3640) is  
 20 amended by redesignating subsections (c) and (d) in  
 21 order as subsections (d) and (e), and by inserting  
 22 after subsection (b) the following:

23 “(c) COMPENSATION FOR REPRESENTATIVES ON  
 24 NORTHERN FUND AND SOUTHERN FUND COMMIT-  
 25 TEES.—United States Representatives on the Pacific

1 Salmon Treaty Northern Fund Committee and Southern  
2 Fund Committee who are not State or Federal employees  
3 shall receive compensation at the minimum daily rate of  
4 pay payable under section 5376 of title 5, United States  
5 Code, when engaged in the actual performance of duties  
6 for the United States Section or for the Commission.”.

7 (2) EXPENSES.—Subsection (d) of such section,  
8 as so redesignated, is amended by inserting “mem-  
9 bers of the Northern Fund Committee, members of  
10 the Southern Fund Committee,” after “Joint Tech-  
11 nical Committee,”.

12 (3) CLERICAL AMENDMENTS.—

13 (A) IN GENERAL.—Section 11 of the Pa-  
14 cific Salmon Treaty Act of 1985 (16 U.S.C.  
15 5332) is amended—

16 (i) in subsection (a) by striking “at  
17 the daily rate of GS–18 of the General  
18 Schedule” and inserting “at the maximum  
19 daily rate of pay payable under section  
20 5376 of title 5, United States Code,”; and

21 (ii) in subsection (b) by striking “at  
22 the daily rate of GS–16 of the General  
23 Schedule” and inserting “at the minimum  
24 daily rate of pay payable under section  
25 5376 of title 5, United States Code,”.

1                   (B) APPLICATION.—The amendments  
2                   made by subparagraph (A) shall not apply to  
3                   Commissioners, Alternate Commissioners, Panel  
4                   Members, and Alternate Panel Members (as  
5                   those terms are used in section 11 of the Pa-  
6                   cific Salmon Treaty Act of 1985) appointed be-  
7                   fore the effective date of this subsection.

8                   (c) AUTHORIZATION OF APPROPRIATIONS.—

9                   (1) CLERICAL AMENDMENT.—Section 623 of  
10                  the Departments of Commerce, Justice, and State,  
11                  the Judiciary, and Related Agencies Appropriations  
12                  Act, 2000, as enacted by section 1000(a)(1), Divi-  
13                  sion B of Public Law 106–113 (16 U.S.C. 3645) is  
14                  redesignated and moved so as to be section 16 of the  
15                  Pacific Salmon Treaty Act of 1985.

16                  (2) AUTHORIZATION OF APPROPRIATIONS.—  
17                  Subsection (d) of such section is amended to read as  
18                  follows:

19                  “(d) AUTHORIZATION OF APPROPRIATIONS.—For  
20                  capitalizing the Northern Fund and Southern Fund estab-  
21                  lished under the 1999 Pacific Salmon Treaty Agreement  
22                  and related agreements, there are authorized to be appro-  
23                  priated a total of \$75,000,000 for the Northern Fund and  
24                  a total of \$65,000,000 for the Southern Fund for fiscal

1 years 2000, 2001, 2002, and 2003, for the implementation  
2 of those agreements.”.

3 **SEC. 809. TREATMENT OF INTERNATIONAL FISHERY COM-**  
4 **MISSION PENSIONERS.**

5 For United States citizens who served as employees  
6 of the International Pacific Salmon Fisheries Commission  
7 and the International North Pacific Fisheries Commission  
8 (in this section referred to as the “Commissions”) and  
9 who worked in Canada in the course of employment with  
10 those commissions, the President shall—

11 (1) calculate the difference in amount between  
12 the valuation of the Commissions’ annuity for each  
13 employee’s payment in United States currency and  
14 in Canadian currency for past and future (as deter-  
15 mined by an actuarial valuation) annuity payments;  
16 and

17 (2) out of existing funds available for this pur-  
18 pose, pay each employee a lump-sum payment in the  
19 total amount determined under paragraph (1) to  
20 compensate each employee for past and future bene-  
21 fits resulting from the exchange rate inequity.

22 **SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated  
24 \$200,000,000 for each of the fiscal years 2001, 2002, and

1 2003 to carry out this title. Funds appropriated under this  
 2 section may remain until expended.

3 **TITLE IX—MISCELLANEOUS**  
 4 **TECHNICAL AMENDMENTS TO**  
 5 **INTERNATIONAL FISHERIES**  
 6 **ACTS**

7 **SEC. 901. GREAT LAKES FISHERY ACT OF 1956.**

8 Section 3(a) of the Great Lakes Fishery Act of 1956  
 9 (16 U.S.C. 932(a)) is amended by adding at the end the  
 10 following:

11 “(3) Individuals serving as such Commissioners shall  
 12 not be considered to be Federal employees while per-  
 13 forming such service, except for purposes of injury com-  
 14 pensation or tort claims liability as provided in chapter  
 15 81 of title 5, United States Code, and chapter 171 of title  
 16 28, United States Code.”.

17 **SEC. 902. TUNA CONVENTIONS ACT OF 1950.**

18 Section 3 of the Tuna Conventions Act of 1950 (16  
 19 U.S.C. 952) is amended by inserting before “Of such  
 20 Commissioners—” the following: “Individuals serving as  
 21 such Commissioners shall not be considered to be Federal  
 22 employees while performing such service, except for pur-  
 23 poses of injury compensation or tort claims liability as pro-  
 24 vided in chapter 81 of title 5, United States Code, and  
 25 chapter 171 of title 28, United States Code.”.

1 **SEC. 903. ATLANTIC TUNAS CONVENTION ACT OF 1975.**

2       Section 3(a)(1) of the Atlantic Tunas Convention Act  
3 of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting  
4 before “The Commissioners” the following: “Individuals  
5 serving as such Commissioners shall not be considered to  
6 be Federal employees while performing such service, ex-  
7 cept for purposes of injury compensation or tort claims  
8 liability as provided in chapter 81 of title 5, United States  
9 Code, and chapter 171 of title 28, United States Code.”.

10 **SEC. 904. NORTH PACIFIC ANADROMOUS STOCKS ACT OF**  
11 **1992.**

12       (a) CLERICAL AMENDMENT.—Public Law 102–587  
13 is amended by striking title VIII (106 Stat. 5098 et seq.).

14       (b) TREATMENT COMMISSIONERS.—Section 804(a)  
15 of the North Pacific Anadromous Stocks Act of 1992 (16  
16 U.S.C. 5003(a)) is amended by inserting before “Of the  
17 Commissioners—” the following: “Individuals serving as  
18 such Commissioners shall not be considered to be Federal  
19 employees while performing such service, except for pur-  
20 poses of injury compensation or tort claims liability as pro-  
21 vided in chapter 81 of title 5, United States Code, and  
22 chapter 171 of title 28, United States Code.”.

23 **SEC. 905. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.**

24       Section 103(4) of the High Seas Fishing Compliance  
25 Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting

1 “or subject to the jurisdiction of the United States” after  
2 “United States”.

## 3 **TITLE X—PRIBILOF ISLANDS**

### 4 **SEC. 1001. SHORT TITLE.**

5 This title may be referred to as the “Pribilof Islands  
6 Transition Act”.

### 7 **SEC. 1002. PURPOSE.**

8 The purpose of this title is to complete the orderly  
9 withdrawal of the National Oceanic and Atmospheric Ad-  
10 ministration from the civil administration of the Pribilof  
11 Islands, Alaska.

### 12 **SEC. 1003. FUR SEAL ACT OF 1996 DEFINED.**

13 In this title, the term “Fur Seal Act of 1966” means  
14 Public Law 89–702 (16 U.S.C. 1151 et seq.).

### 15 **SEC. 1004. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS**

#### 16 **UNDER FUR SEAL ACT OF 1966.**

17 Section 206 of the Fur Seal Act of 1966 (16 U.S.C.  
18 1166) is amended to read as follows:

#### 19 **“SEC. 206. FINANCIAL ASSISTANCE.**

20 **“(a) GRANT AUTHORITY.—**

21 **“(1) IN GENERAL.—**Subject to the availability  
22 of appropriations, the Secretary shall provide finan-  
23 cial assistance to any city government, village cor-  
24 poration, or tribal council of St. George, Alaska, or  
25 St. Paul, Alaska.



1           “(2) USE FOR MATCHING.—Notwithstanding  
2           any other provision of law relating to matching  
3           funds, funds provided by the Secretary as assistance  
4           under this subsection may be used by the entity as  
5           non-Federal matching funds under any Federal pro-  
6           gram that requires such matching funds.

7           “(3) RESTRICTION ON USE.—The Secretary  
8           may not use financial assistance authorized by this  
9           Act—

10                   “(A) to settle any debt owed to the United  
11                   States;

12                   “(B) for administrative or overhead ex-  
13                   penses; or

14                   “(C) for contributions authorized under  
15                   section 5(b)(3)(B) of the Pribilof Islands Tran-  
16                   sition Act.

17           “(4) FUNDING INSTRUMENTS AND PROCE-  
18           DURES.—In providing assistance under this sub-  
19           section the Secretary shall transfer any funds appro-  
20           priated to carry out this section to the Secretary of  
21           the Interior, who shall obligate such funds through  
22           instruments and procedures that are equivalent to  
23           the instruments and procedures required to be used  
24           by the Bureau of Indian Affairs pursuant to title IV

1 of the Indian Self-Determination and Education As-  
2 sistance Act (25 U.S.C. 450 et seq.).

3 “(5) PRO RATA DISTRIBUTION OF ASSIST-  
4 ANCE.—In any fiscal year for which less than all of  
5 the funds authorized under subsection (c)(1) are ap-  
6 propriated, such funds shall be distributed under  
7 this subsection on a pro rata basis among the enti-  
8 ties referred to in subsection (c)(1) in the same pro-  
9 portions in which amounts are authorized by that  
10 subsection for grants to those entities.

11 “(b) SOLID WASTE ASSISTANCE.—

12 “(1) IN GENERAL.—Subject to the availability  
13 of appropriations, the Secretary shall provide assist-  
14 ance to the State of Alaska for designing, locating,  
15 constructing, redeveloping, permitting, or certifying  
16 solid waste management facilities on the Pribilof Is-  
17 lands to be operated under permits issued to the  
18 City of St. George and the City of St. Paul, Alaska,  
19 by the State of Alaska under section 46.03.100 of  
20 the Alaska Statutes.

21 “(2) TRANSFER.—The Secretary shall transfer  
22 any appropriations received under paragraph (1) to  
23 the State of Alaska for the benefit of rural and Na-  
24 tive villages in Alaska for obligation or award under  
25 section 303 of Public Law 104–182, except that sub-

1 section (b) of that section shall not apply to those  
2 funds.

3 “(3) LIMITATION.—In order to be eligible to re-  
4 ceive financial assistance under this subsection, not  
5 later than 180 days after the date of the enactment  
6 of this paragraph, each of the Cities of St. Paul and  
7 St. George shall enter into a written agreement with  
8 the State of Alaska under which such City shall  
9 identify by its legal boundaries the tract or tracts of  
10 land that such City has selected as the site for its  
11 solid waste management facility and any supporting  
12 infrastructure.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Secretary for fis-  
15 cal years 2001, 2002, 2003, 2004, and 2005—

16 “(1) for assistance under subsection (a) a total  
17 not to exceed—

18 “(A) \$9,000,000, for grants to the City of  
19 St. Paul;

20 “(B) \$6,300,000, for grants to the  
21 Tanadgusix Corporation;

22 “(C) \$1,500,000, for grants to the St.  
23 Paul Tribal Council;

24 “(D) \$6,000,000, for grants to the City of  
25 St. George;

1           “(E) \$4,200,000, for grants to the St.  
2           George Tanaq Corporation; and

3           “(F) \$1,000,000, for grants to the St.  
4           George Tribal Council; and

5           “(2) for assistance under subsection (b), for fis-  
6           cal years 2001, 2002, 2003, 2004, and 2005 a total  
7           not to exceed—

8           “(A) \$6,500,000 for the City of St. Paul;  
9           and

10           “(B) \$3,500,000 for the City of St.  
11           George.

12           “(d) LIMITATION ON USE OF ASSISTANCE FOR LOB-  
13 BYING ACTIVITIES.—None of the funds authorized by this  
14 section may be available for any activity a purpose of  
15 which is to influence legislation pending before the Con-  
16 gress, except that this subsection shall not prevent officers  
17 or employees of the United States or of its departments,  
18 agencies, or commissions from communicating to Members  
19 of Congress, through proper channels, requests for legisla-  
20 tion or appropriations that they consider necessary for the  
21 efficient conduct of public business.

22           “(e) IMMUNITY FROM LIABILITY.—Neither the  
23 United States nor any of its agencies, officers, or employ-  
24 ees shall have any liability under this Act or any other  
25 law associated with or resulting from the designing, locat-

1 ing, contracting for, redeveloping, permitting, certifying,  
2 operating, or maintaining any solid waste management fa-  
3 cility on the Pribilof Islands as a consequence of—

4 “(1) having provided assistance to the State of  
5 Alaska under subsection (b); or

6 “(2) providing funds for, or planning, con-  
7 structing, or operating, any interim solid waste man-  
8 agement facilities that may be required by the State  
9 of Alaska before permanent solid waste management  
10 facilities constructed with assistance provided under  
11 subsection (b) are complete and operational.

12 “(f) REPORT ON EXPENDITURES.—Each entity  
13 which receives assistance authorized under subsection (c)  
14 shall submit an audited statement listing the expenditure  
15 of that assistance to the Committee on Appropriations and  
16 the Committee on Resources of the House of Representa-  
17 tives and the Committee on Appropriations and the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate, on the last day of fiscal years 2002, 2004, and  
20 2006.

21 “(g) CONGRESSIONAL INTENT.—Amounts authorized  
22 under subsection (c) are intended by Congress to be pro-  
23 vided in addition to the base funding appropriated to the  
24 National Oceanic and Atmospheric Administration in fis-  
25 cal year 2000.”.

1 **SEC. 1005. DISPOSAL OF PROPERTY.**

2 Section 205 of the Fur Seal Act of 1966 (16 U.S.C.  
3 1165) is amended—

4 (1) by amending subsection (c) to read as fol-  
5 lows:

6 “(c) Not later than 3 months after the date of the  
7 enactment of the Pribilof Islands Transition Act, the Sec-  
8 retary shall submit to the Committee on Commerce,  
9 Science, and Transportation of the Senate and the Com-  
10 mittee on Resources of the House of Representatives a re-  
11 port that includes—

12 “(1) a description of all property specified in  
13 the document referred to in subsection (a) that has  
14 been conveyed under that subsection;

15 “(2) a description of all Federal property speci-  
16 fied in the document referred to in subsection (a)  
17 that is going to be conveyed under that subsection;  
18 and

19 “(3) an identification of all Federal property on  
20 the Pribilof Islands that will be retained by the Fed-  
21 eral Government to meet its responsibilities under  
22 this Act, the Convention, and any other applicable  
23 law.”; and

24 (2) by striking subsection (g).

25 **SEC. 1006. TERMINATION OF RESPONSIBILITIES.**

26 (a) FUTURE OBLIGATION.—

1           (1) IN GENERAL.—The Secretary of Commerce  
2       shall not be considered to have any obligation to pro-  
3       mote or otherwise provide for the development of  
4       any form of an economy not dependent on sealing on  
5       the Pribilof Islands, Alaska, including any obligation  
6       under section 206 of the Fur Seal Act of 1966 (16  
7       U.S.C. 1166) or section 3(c)(1)(A) of Public Law  
8       104–91 (16 U.S.C. 1165 note).

9           (2) SAVINGS.—This subsection shall not affect  
10      any cause of action under section 206 of the Fur  
11      Seal Act of 1966 (16 U.S.C. 1166) or section  
12      3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165  
13      note)—

14           (A) that arose before the date of the enact-  
15      ment of this title; and

16           (B) for which a judicial action is filed be-  
17      fore the expiration of the 5-year period begin-  
18      ning on the date of the enactment of this title.

19           (3) RULE OF CONSTRUCTION.—Nothing in this  
20      title shall be construed to imply that—

21           (A) any obligation to promote or otherwise  
22      provide for the development in the Pribilof Is-  
23      lands of any form of an economy not dependent  
24      on sealing was or was not established by section  
25      206 of the Fur Seal Act of 1966 (16 U.S.C.

1           1166), section 3(c)(1)(A) of Public Law 104–91  
 2           (16 U.S.C. 1165 note), or any other provision  
 3           of law; or

4           (B) any cause of action could or could not  
 5           arise with respect to such an obligation.

6           (4)     CONFORMING     AMENDMENT.—Section  
 7           3(c)(1) of Public Law 104–91 (16 U.S.C. 1165  
 8           note) is amended by striking subparagraph (A) and  
 9           redesignating subparagraphs (B) through (D) in  
 10          order as subparagraphs (A) through (C).

11          (b) PROPERTY CONVEYANCE AND CLEANUP.—

12           (1) IN GENERAL.—Subject to paragraph (2),  
 13           there are terminated all obligations of the Secretary  
 14           of Commerce and the United States to—

15           (A) convey property under section 205 of  
 16           the Fur Seal Act of 1966 (16 U.S.C. 1165);  
 17           and

18           (B) carry out cleanup activities, including  
 19           assessment, response, remediation, and moni-  
 20           toring, except for postremedial measures such  
 21           as monitoring and operation and maintenance  
 22           activities, related to National Oceanic and At-  
 23           mospheric Administration administration of the  
 24           Pribilof Islands, Alaska, under section 3 of  
 25           Public Law 104–91 (16 U.S.C. 1165 note) and



1 the Pribilof Islands Environmental Restoration  
2 Agreement between the National Oceanic and  
3 Atmospheric Administration and the State of  
4 Alaska, signed January 26, 1996.

5 (2) APPLICATION.—Paragraph (1) shall apply  
6 on and after the date on which the Secretary of  
7 Commerce certifies that—

8 (A) the State of Alaska has provided writ-  
9 ten confirmation that no further corrective ac-  
10 tion is required at the sites and operable units  
11 covered by the Pribilof Islands Environmental  
12 Restoration Agreement between the National  
13 Oceanic and Atmospheric Administration and  
14 the State of Alaska, signed January 26, 1996,  
15 with the exception of postremedial measures,  
16 such as monitoring and operation and mainte-  
17 nance activities;

18 (B) the cleanup required under section  
19 3(a) of Public Law 104–91 (16 U.S.C. 1165  
20 note) is complete;

21 (C) the properties specified in the docu-  
22 ment referred to in subsection (a) of section  
23 205 of the Fur Seal Act of 1966 (16 U.S.C.  
24 1165(a)) can be unconditionally offered for con-  
25 veyance under that section; and

1 (D) all amounts appropriated under sec-  
2 tion 206(c)(1) of the Fur Seal Act of 1966, as  
3 amended by this title, have been obligated.

4 (3) FINANCIAL CONTRIBUTIONS FOR CLEANUP  
5 COSTS.—(A) On and after the date on which section  
6 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165  
7 note) is repealed pursuant to subsection (c), the Sec-  
8 retary of Commerce may not seek or require finan-  
9 cial contribution by or from any local governmental  
10 entity of the Pribilof Islands, any official of such an  
11 entity, or the owner of land on the Pribilof Islands,  
12 for cleanup costs incurred pursuant to section 3(a)  
13 of Public Law 104–91 (as in effect before such re-  
14 peal), except as provided in subparagraph (B).

15 (B) Subparagraph (A) shall not limit the au-  
16 thority of the Secretary of Commerce to seek or re-  
17 quire financial contribution from any person for  
18 costs or fees to clean up any matter that was caused  
19 or contributed to by such person on or after March  
20 15, 2000.

21 (4) CERTAIN RESERVED RIGHTS NOT CONDI-  
22 TIONS.—For purposes of paragraph (2)(C), the fol-  
23 lowing requirements shall not be considered to be  
24 conditions on conveyance of property:

1           (A) Any requirement that a potential  
2           transferee must allow the National Oceanic and  
3           Atmospheric Administration continued access to  
4           the property to conduct environmental moni-  
5           toring following remediation activities.

6           (B) Any requirement that a potential  
7           transferee must allow the National Oceanic and  
8           Atmospheric Administration access to the prop-  
9           erty to continue the operation, and eventual clo-  
10          sure, of treatment facilities.

11          (C) Any requirement that a potential  
12          transferee must comply with institutional con-  
13          trols to ensure that an environmental cleanup  
14          remains protective of human health or the envi-  
15          ronment that do not unreasonably affect the  
16          use of the property.

17          (D) Valid existing rights in the property,  
18          including rights granted by contract, permit,  
19          right-of-way, or easement.

20          (E) The terms of the documents described  
21          in subsection (d)(2).

22          (c) REPEALS.—Effective on the date on which the  
23          Secretary of Commerce makes the certification described  
24          in subsection (b)(2), the following provisions are repealed:

1           (1) Section 205 of the Fur Seal Act of 1966  
2           (16 U.S.C. 1165).

3           (2) Section 3 of Public Law 104–91 (16 U.S.C.  
4           1165 note).

5           (d) SAVINGS.—

6           (1) IN GENERAL.—Nothing in this title shall af-  
7           fect any obligation of the Secretary of Commerce, or  
8           of any Federal department or agency, under or with  
9           respect to any document described in paragraph (2)  
10          or with respect to any lands subject to such a docu-  
11          ment.

12          (2) DOCUMENTS DESCRIBED.—The documents  
13          referred to in paragraph (1) are the following:

14               (A) The Transfer of Property on the  
15               Pribilof Islands: Description, Terms, and Con-  
16               ditions, dated February 10, 1984, between the  
17               Secretary of Commerce and various Pribilof Is-  
18               land entities.

19               (B) The Settlement Agreement between  
20               Tanadgusix Corporation and the City of St.  
21               Paul, dated January 11, 1988, and approved by  
22               the Secretary of Commerce on February 23,  
23               1988.

24               (C) The Memorandum of Understanding  
25               between Tanadgusix Corporation, Tanaq Cor-

1           poration, and the Secretary of Commerce, dated  
2           December 22, 1976.

3           (e) DEFINITIONS.—

4           (1) IN GENERAL.—Except as provided in para-  
5           graph (2), the definitions set forth in section 101 of  
6           the Fur Seal Act of 1966 (16 U.S.C. 1151) shall  
7           apply to this section.

8           (2) NATIVES OF THE PRIBILOF ISLANDS.—For  
9           purposes of this section, the term “Natives of the  
10          Pribilof Islands” includes the Tanadgusix Corpora-  
11          tion, the St. George Tanaq Corporation, and the city  
12          governments and tribal councils of St. Paul and St.  
13          George, Alaska.

14   **SEC. 1007. TECHNICAL AND CLARIFYING AMENDMENTS.**

15          (a) Section 3 of Public Law 104–91 (16 U.S.C. 1165  
16          note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et  
17          seq.) are amended by—

18               (1) striking “(d)” and all that follows through  
19               the heading for subsection (d) of section 3 of Public  
20               Law 104–91 and inserting “**SEC. 212.**”; and

21               (2) moving and redesignating such subsection  
22               so as to appear as section 212 of the Fur Seal Act  
23               of 1966.

1 (b) Section 201 of the Fur Seal Act of 1966 (16  
2 U.S.C. 1161) is amended by striking “on such Islands”  
3 and insert “on such property”.

4 (c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et  
5 seq.) is amended by inserting before title I the following:

6 **“SECTION 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Fur Seal Act of  
8 1966’.”.

9 **SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 3 of Public Law 104–91 (16 U.S.C. 1165  
11 note) is amended—

12 (1) by striking subsection (f) and inserting the  
13 following:

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There are authorized to be  
16 appropriated \$10,000,000 for each of fiscal years  
17 2001, 2002, 2003, 2004, and 2005 for the purposes  
18 of carrying out this section.

19 “(2) LIMITATION.—None of the funds author-  
20 ized by this subsection may be expended for the pur-  
21 pose of cleaning up or remediating any landfills,  
22 wastes, dumps, debris, storage tanks, property, haz-  
23 ardous or unsafe conditions, or contaminants, in-  
24 cluding petroleum products and their derivatives, left

1 by the Department of Defense or any of its compo-  
2 nents on lands on the Pribilof Islands, Alaska.”; and

3 (2) by adding at the end the following:

4 “(g) LOW-INTEREST LOAN PROGRAM.—

5 “(1) CAPITALIZATION OF REVOLVING FUND.—

6 Of amounts authorized under subsection (f) for each  
7 of fiscal years 2001, 2002, 2003, 2004, and 2005,  
8 the Secretary may provide to the State of Alaska up  
9 to \$2,000,000 per fiscal year to capitalize a revolv-  
10 ing fund to be used by the State for loans under this  
11 subsection.

12 “(2) LOW-INTEREST LOANS.—The Secretary  
13 shall require that any revolving fund established  
14 with amounts provided under this subsection shall be  
15 used only to provide low-interest loans to Natives of  
16 the Pribilof Islands to assess, respond to, remediate,  
17 and monitor contamination from lead paint, asbes-  
18 tos, and petroleum from underground storage tanks.

19 “(3) NATIVES OF THE PRIBILOF ISLANDS DE-  
20 FINED.—The definitions set forth in section 101 of  
21 the Fur Seal Act of 1966 (16 U.S.C. 1151) shall  
22 apply to this section, except that the term ‘Natives  
23 of the Pribilof Islands’ includes the Tanadgusix and  
24 Tanaq Corporations.

1           “(4) REVERSION OF FUNDS.—Before the Sec-  
 2       retary may provide any funds to the State of Alaska  
 3       under this section, the State of Alaska and the Sec-  
 4       retary must agree in writing that, on the last day of  
 5       fiscal year 2011, and of each fiscal year thereafter  
 6       until the full amount provided to the State of Alaska  
 7       by the Secretary under this section has been repaid  
 8       to the United States, the State of Alaska shall  
 9       transfer to the Treasury of the United States monies  
 10      remaining in the revolving fund, including principal  
 11      and interest paid into the revolving fund as repay-  
 12      ment of loans.”.

## 13       **TITLE XI—SHARK FINNING**

### 14   **SEC. 1101. SHORT TITLE.**

15       This title may be cited as the “Shark Finning Prohi-  
 16      bition Act”.

### 17   **SEC. 1102. PURPOSE.**

18       The purpose of this title is to eliminate shark-finning  
 19      by addressing the problem comprehensively at both the na-  
 20      tional and international levels.

### 21   **SEC. 1103. PROHIBITION ON REMOVING SHARK FIN AND** 22       **DISCARDING SHARK CARCASS AT SEA.**

23       Section 307(1) of the Magnuson-Stevens Fishery  
 24      Conservation and Management Act (16 U.S.C. 1857(1))  
 25      is amended—



1           (1) by striking “or” after the semicolon in sub-  
2 paragraph (N);

3           (2) by striking “section 302(j)(7)(A).” in sub-  
4 paragraph (O) and inserting “section 302(j)(7)(A);  
5 or”; and

6           (3) by adding at the end the following:

7                 “(P)(i) to remove any of the fins of a  
8 shark (including the tail) and discard the car-  
9 carcass of the shark at sea;

10                “(ii) to have custody, control, or possession  
11 of any such fin aboard a fishing vessel without  
12 the corresponding carcass; or

13                “(iii) to land any such fin without the cor-  
14 responding carcass.

15           “For purposes of subparagraph (P) there is a rebut-  
16 table presumption that any shark fins landed from  
17 a fishing vessel or found on board a fishing vessel  
18 were taken, held, or landed in violation of subpara-  
19 graph (P) if the total weight of shark fins landed or  
20 found on board exceeds 5 percent of the total weight  
21 of shark carcasses landed or found on board.”.

22 **SEC. 1104. REGULATIONS.**

23           No later than 180 days after the date of the enact-  
24 ment of this Act, the Secretary of Commerce shall promul-  
25 gate regulations implementing the provisions of section

1 307(1)(P) of the Magnuson-Stevens Fishery Conservation  
2 and Management Act (16 U.S.C. 1857(1)(P)), as added  
3 by section 1103 of this title.

4 **SEC. 1105. INTERNATIONAL NEGOTIATIONS.**

5 The Secretary of Commerce, acting through the Sec-  
6 retary of State, shall—

7 (1) initiate discussions as soon as possible for  
8 the purpose of developing bilateral or multilateral  
9 agreements with other nations for the prohibition on  
10 shark-finning;

11 (2) initiate discussions as soon as possible with  
12 all foreign governments which are engaged in, or  
13 which have persons or companies engaged in shark-  
14 finning, for the purposes of—

15 (A) collecting information on the nature  
16 and extent of shark-finning by such persons  
17 and the landing or transshipment of shark fins  
18 through foreign ports; and

19 (B) entering into bilateral and multilateral  
20 treaties with such countries to protect such spe-  
21 cies;

22 (3) seek agreements calling for an international  
23 ban on shark-finning and other fishing practices ad-  
24 versely affecting these species through the United  
25 Nations, the Food and Agriculture Organization's

1 Committee on Fisheries, and appropriate regional  
2 fishery management bodies;

3 (4) initiate the amendment of any existing  
4 international treaty for the protection and conserva-  
5 tion of species of sharks to which the United States  
6 is a party in order to make such treaty consistent  
7 with the purposes and policies of this section;

8 (5) urge other governments involved in fishing  
9 for or importation of shark or shark products to ful-  
10 fill their obligations to collect biological data, such  
11 as stock abundance and by-catch levels, as well as  
12 trade data, on shark species as called for in the  
13 1995 Resolution on Cooperation with FAO with Re-  
14 gard to study on the Status of Sharks and By-Catch  
15 of Shark Species; and

16 (6) urge other governments to prepare and sub-  
17 mit their respective National Plan of Action for the  
18 Conservation and Management of Sharks to the  
19 2001 session of the FAO Committee on Fisheries, as  
20 set forth in the International Plan of Action for the  
21 Conservation and Management of Sharks.

22 **SEC. 1106. REPORT TO CONGRESS.**

23 The Secretary of Commerce, in consultation with the  
24 Secretary of State, shall provide to the Congress, by not

1 later than 1 year after the date of the enactment of this  
2 Act, and every year thereafter, a report which—

3 (1) includes a list that identifies nations whose  
4 vessels conduct shark-finning and details the extent  
5 of the international trade in shark fins, including es-  
6 timates of value and information on harvesting of  
7 shark fins, and landings or transshipment of shark  
8 fins through foreign ports;

9 (2) describes the efforts taken to carry out this  
10 title, and evaluates the progress of those efforts;

11 (3) sets forth a plan of action to adopt inter-  
12 national measures for the conservation of sharks;  
13 and

14 (4) includes recommendations for measures to  
15 ensure that United States actions are consistent  
16 with national, international, and regional obligations  
17 relating to shark populations, including those listed  
18 under the Convention on International Trade in En-  
19 dangered Species of Wild Flora and Fauna.

20 **SEC. 1107. RESEARCH.**

21 The Secretary of Commerce, subject to the avail-  
22 ability of appropriations authorized by section 1110, shall  
23 establish a research program for Pacific and Atlantic  
24 sharks to engage in the following data collection and re-  
25 search:

1           (1) The collection of data to support stock as-  
2           sessments of shark populations subject to incidental  
3           or directed harvesting by commercial vessels, giving  
4           priority to species according to vulnerability of the  
5           species to fishing gear and fishing mortality, and its  
6           population status.

7           (2) Research to identify fishing gear and prac-  
8           tices that prevent or minimize incidental catch of  
9           sharks in commercial and recreational fishing.

10          (3) Research on fishing methods that will en-  
11          sure maximum likelihood of survival of captured  
12          sharks after release.

13          (4) Research on methods for releasing sharks  
14          from fishing gear that minimize risk of injury to  
15          fishing vessel operators and crews.

16          (5) Research on methods to maximize the utili-  
17          zation of, and funding to develop the market for,  
18          sharks not taken in violation of a fishing manage-  
19          ment plan approved under section 303 or of section  
20          307(1)(P) of the Magnuson-Stevens Fishery Con-  
21          servation and Management Act (16 U.S.C. 1853,  
22          1857(1)(P)).

23          (6) Research on the nature and extent of the  
24          harvest of sharks and shark fins by foreign fleets

1 and the international trade in shark fins and other  
2 shark products.

3 **SEC. 1108. WESTERN PACIFIC LONGLINE FISHERIES COOP-**  
4 **ERATIVE RESEARCH PROGRAM.**

5 The National Marine Fisheries Service, in consulta-  
6 tion with the Western Pacific Fisheries Management  
7 Council, shall initiate a cooperative research program with  
8 the commercial longlining industry to carry out activities  
9 consistent with this title, including research described in  
10 section 1107 of this title. The service may initiate such  
11 shark cooperative research programs upon the request of  
12 any other fishery management council.

13 **SEC. 1109. SHARK-FINNING DEFINED.**

14 In this title, the term “shark-finning” means the tak-  
15 ing of a shark, removing the fin or fins (whether or not  
16 including the tail) of a shark, and returning the remainder  
17 of the shark to the sea.

18 **SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-  
20 retary of Commerce for fiscal years 2001 through 2005  
21 such sums as are necessary to carry out this title.

1 **TITLE XII—JOHN H. PRESCOTT**  
2 **MARINE MAMMAL RESCUE**  
3 **ASSISTANCE GRANT PRO-**  
4 **GRAM**

5 **SEC. 1201. SHORT TITLE.**

6 This title may be cited as the “Marine Mammal Res-  
7 cue Assistance Act of 2000”.

8 **SEC. 1202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**  
9 **ASSISTANCE GRANT PROGRAM.**

10 (a) IN GENERAL.—Title IV of the Marine Mammal  
11 Protection Act of 1972 (16 U.S.C. 1371 et seq.) is  
12 amended—

13 (1) by redesignating sections 408 and 409 as  
14 sections 409 and 410, respectively; and

15 (2) by inserting after section 407 the following:

16 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**  
17 **ASSISTANCE GRANT PROGRAM.**

18 “(a) IN GENERAL.—(1) Subject to the availability of  
19 appropriations, the Secretary shall conduct a grant pro-  
20 gram to be known as the John H. Prescott Marine Mam-  
21 mal Rescue Assistance Grant Program, to provide grants  
22 to eligible stranding network participants for the recovery  
23 or treatment of marine mammals, the collection of data  
24 from living or dead marine mammals for scientific re-

1 search regarding marine mammal health, and facility op-  
2 eration costs that are directly related to those purposes.

3 “(2)(A) The Secretary shall ensure that, to the great-  
4 est extent practicable, funds provided as grants under this  
5 subsection are distributed equitably among the designated  
6 stranding regions.

7 “(B) In determining priorities among such regions,  
8 the Secretary may consider—

9 “(i) any episodic stranding or any mortality  
10 event other than an event described in section  
11 410(6), that occurred in any region in the preceding  
12 year; and

13 “(ii) data regarding average annual strandings  
14 and mortality events per region.

15 “(b) APPLICATION.—To receive a grant under this  
16 section, a stranding network participant shall submit an  
17 application in such form and manner as the Secretary may  
18 prescribe.

19 “(c) CONSULTATION.—The Secretary shall consult  
20 with the Marine Mammal Commission, a representative  
21 from each of the designated stranding regions, and other  
22 individuals who represent public and private organizations  
23 that are actively involved in rescue, rehabilitation, release,  
24 scientific research, marine conservation, and forensic  
25 science regarding stranded marine mammals, regarding



1 the development of criteria for the implementation of the  
2 grant program.

3 “(d) LIMITATION.—The amount of a grant under this  
4 section shall not exceed \$100,000.

5 “(e) MATCHING REQUIREMENT.—

6 “(1) IN GENERAL.—The non-Federal share of  
7 the costs of an activity conducted with a grant under  
8 this section shall be 25 percent of such costs.

9 “(2) IN-KIND CONTRIBUTIONS.—The Secretary  
10 may apply to the non-Federal share of an activity  
11 conducted with a grant under this section the  
12 amount of funds, and the fair market value of prop-  
13 erty and services, provided by non-Federal sources  
14 and used for the activity.

15 “(f) ADMINISTRATIVE EXPENSES.—Of amounts  
16 available each fiscal year to carry out this section, the Sec-  
17 retary may expend not more than 6 percent or \$80,000,  
18 whichever is greater, to pay the administrative expenses  
19 necessary to carry out this section.

20 “(g) DEFINITIONS.—In this section:

21 “(1) DESIGNATED STRANDING REGION.—The  
22 term ‘designated stranding region’ means a geo-  
23 graphic region designated by the Secretary for pur-  
24 poses of administration of this title.

1           “(2) SECRETARY.—The term ‘Secretary’ has  
2           the meaning given that term in section 3(12)(A).

3       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
4   are authorized to be appropriated to carry out this section  
5   \$5,000,000 for each of fiscal years 2001 through 2003,  
6   to remain available until expended, of which—

7           “(1) \$4,000,000 may be available to the Sec-  
8       retary of Commerce; and

9                   “(2) \$1,000,000 may be available to the Sec-  
10           retary of the Interior.”.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting “(other than section 408)” after “title IV”.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

“Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

“Sec. 409. Authorization of appropriations.

“Sec. 410. Definitions.”.

20 SEC. 1203. STUDY OF THE EASTERN GRAY WHALE POPU-  
21 LATION.

22 (a) STUDY.—Not later than 180 days after the date  
23 of the enactment of this Act and subject to the availability

1 of appropriations, the Secretary of Commerce shall initiate  
2 a study of the environmental and biological factors respon-  
3 sible for the significant increase in mortality events of the  
4 eastern gray whale population.

5 (b) CONSIDERATION OF WESTERN POPULATION IN-  
6 FORMATION.—The Secretary should ensure that, to the  
7 greatest extent practicable, information from current and  
8 future studies of the western gray whale population is con-  
9 sidered in the study under this section, so as to better  
10 understand the dynamics of each population and to test  
11 different hypotheses that may lead to an increased under-  
12 standing of the mechanism driving their respective popu-  
13 lation dynamics.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
15 tion to other amounts authorized under this title, there  
16 are authorized to be appropriated to the Secretary to carry  
17 out this section—

18 (1) \$290,000 for fiscal year 2001; and

1           (2) \$500,000 for each of fiscal years 2002  
 2           through 2004.

          Passed the House of Representatives October 23,  
 2000.

Attest:

*Clerk.*

106TH CONGRESS  
2D SESSION

# H. R. 5086

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## AN ACT

To amend the National Marine Sanctuaries Act of  
honor Dr. Nancy Foster, and for other purposes.